



MEMORANDUM

TO: Paul Bockelman, Town Manager
Town Services and Outreach Committee Members

FROM: Maureen Pollock, Planner and Staff Liaison to Design Review Board (DRB)

RE: **DRB FY2021-24, Amherst College** – To review Amherst College’s proposed wayfinding sign system, under Section 3.20 of the Zoning Bylaw, at various locations within the DR Districts (General Business (B-G) Zoning District and abutting Limited Business (B-L) Zoning District) and TCDR District (within 150 feet of the Amherst Town Common)

DATE: August 26, 2021

At its August 25, 2021 meeting, the Design Review Board reviewed Amherst College’s proposed campus signage and wayfinding program.

DRB members present included: Catherine Porter, Chair; Erika Zekos, Jan Marquardt, and Lindsay Schnarr (4).

Also present included Christine Brestrup, Planning Director; Maureen Pollock, Planner and staff liaison to the DRB; and representatives from Amherst College, Tom Davies and Seth Wilschutz, and their consultants, Andrew Barresi and Samuel Pease.

The applicant provided a presentation. After the Board discussed the proposal, the following motion and vote was made.

MOTION: Moved by Ms. Marquardt, seconded by Ms. Zekos, and voted (4-0) to give a positive recommendation to the Town Council, Town Services & Outreach Committee, and Planning Board for Amherst College’s proposed campus signage and wayfinding program, as submitted, with the following suggestions:

General Suggestions:

1. Amherst College and the Town of Amherst should request MassDOT to remove any outdated and/or redundant signs located at the Northampton St/College St/South Pleasant St intersection, as well as any other MassDOT controlled roadways.
2. Amherst College should continue to coordinate with the Town of Amherst and MassDOT in relation to the location of the proposed Amherst College wayfinding signs, Town of Amherst wayfinding signs, and existing and proposed MassDOT signs and with reducing number of signs with the same messaging, particularly for signs that are in close proximity of one another.



3. Provide a consistency for the colors chosen for the color band detail shown along the bottom, side, and top of each sign type, i.e. color by building type.

Suggestions for Specific Signs:

1. A1.001 Primary Gateway Sign at the corner of College St and South Pleasant St (Public Right-of-Way/Town Common)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
2. A2.002 Secondary Gateway Sign at the corner of South Pleasant Street and Quadrangle Drive (Public Right-of-Way/Town Common)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
3. A3.001 Trailblazer Sign in front of Russell's Liquor Store at 18 Main Street (Public Right-of-Way – Main Street)
 - a. Based on input received by the Amherst Planning Department and from the Historical Commission, this sign is no longer being proposed. The Board is satisfied with this sign being removed.
4. B1.003 Large Vehicular Directional Sign at the corner of College Street - westbound and Boltwood Avenue (Private Property – Amherst College, Garman House property located at 62 Boltwood Ave)
 - a. The proposed sign location was previously located on the Public Right-of-Way on the westbound side of College Street adjacent to the Town Common and in close proximity of the Town of Amherst's wayfinding directional sign. Based on input received by the Amherst Planning Department and from the Historical Commission, Amherst College has relocated this sign to the corner of College Street - westbound and Boltwood Avenue (Private Property – Amherst College).
 - b. The Board is satisfied with the design/layout and relocation of this sign, as submitted.
5. B1.006 Large Vehicular Directional Sign along the northbound side of South Pleasant Street (Public Right-of-Way – South Pleasant Street - northbound)
 - a. The Board is satisfied with the design/layout.
 - b. The Board suggests that Amherst College continue to collaborate with the Town of Amherst about the location of this sign in relation to the Town of Amherst's wayfinding #10 northbound



South Pleasant St directional sign, which is in close proximity of the Amherst College's proposed B1.006 sign.

6. B1.004 Large Vehicular Directional Sign in front of Seelye Building located at 129 South Pleasant Street (Public Right-of-Way – South Pleasant Street)
 - a. The Board is satisfied with the design/layout and location as shown on the submitted rendered view.
 - b. Note: the sign location shown in the submitted map is incorrect and needs to be updated to match the location shown in the rendered view.
7. B2.002 Small Vehicular Directional Sign at the Quadrangle Drive/Boltwood Avenue corner (Public Right-of-Way/Town Common)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
8. C1.005 Building ID Sign in front of Converse Hall located along Boltwood Avenue (Private Property – Amherst College)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
9. C1.004 Building ID Sign in front of Hitchcock Building located at 101 South Pleasant Street (Private Property – Amherst College)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
10. D1.006 Parking Lot ID Sign for Converse Parking Lot located along Boltwood Avenue entrance (Private Property – Amherst College)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
11. F1.002 Tri-Sided Kiosk Sign in front of Seelye Building located at 129 South Pleasant Street (Private Property – Amherst College)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
 - b. Ensure that the proposed sign and adjacent walkway meet all applicable MAAB and ADA regulations.
12. F3.004 Tabletop Kiosk Map Display along the Boltwood Avenue sidewalk, between the Converse Parking Lot and Converse Hall ((Private Property – Amherst College)
 - a. The Board is satisfied with the design/layout and location of this sign, as submitted.
 - b. Ensure that the proposed sign meets all applicable MAAB and ADA regulations.



MEMORANDUM

TO: Planning Board and Community Resources Committee (CRC)
FROM: Planning Department
RE: Proposed Zoning Bylaw Amendments – Sections 12.02 & 3.323 Apartment
DATE: August 16, 2021

Bold/Italic text indicates proposed language.

Bold/Italic text with yellow highlight indicates proposed language, dated August 16, 2021

~~**Bold/Strikethrough**~~ indicates proposed removal.

ARTICLE 12 DEFINITIONS:

12.02 Apartment: A residential use consisting of one or more buildings, each building containing no fewer than three (3), ~~nor more than twenty-four (24) dwelling units.~~ Apartment dwelling units may share internal accessways and entrances and need not have separate exterior entrances on the ground level.

ARTICLE 3 USE REGULATION

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

SECTION 3.323 APARTMENTS

N = No, the Use is not permitted in that Zoning District
 SPR = The Use is permitted with Site Plan Review (See Section 11.2)
 SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (see Section 10.3)

Zoning Districts													
R-O	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	SP SP	SP	N	SPR SP	SP	SP	SP	N	N	N	N	N

Standards & Conditions:

The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multi-family use.

Each building shall have no fewer than 3, ~~nor more than 24~~ **dwelling units**. Each building shall be connected to the public sewer system prior to occupancy. Dimensional regulations in Article 6 shall be observed.

In addition, the following requirements shall apply:

A proposed Apartment building located on any given parcel that fronts onto East Pleasant Street, North Pleasant Street, South Pleasant Street, Main Street, and Amity Street within the General Business (B-G) Zoning District shall not be located within five hundred (500) feet of an existing Apartment building. The distance under this section shall be measured in a straight line from the nearest point of the building in question to the nearest point of the building where the proposed Apartment building is or will be located.

Zoning Districts	Additional Side/Rear Yards per Floor	Floor Area Ratio	Minimum Landscape or Natural Open Space
R-G	2-feet		
B-L	2-feet		
B-VC	2-feet		
B-N	2-feet	0.3	40%

Minimum Landscaped or Natural Open Space: NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.

Specifically excluded from this definition are those areas devoted to parking, access, and service drives.

Bedroom Count: No more than 50% of the total number of dwelling units shall *have the same bedroom count, with the exception of an Apartment building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for project in which all dwelling units provided are Affordable (see Article 12, Affordable Housing). be of any one size (i.e. # of bedrooms). For projects in which all dwelling units provided, other than those occupied by resident manager(s), are Affordable (see Article 12, Definitions), the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for this use may waive or modify this requirement.*

~~**Management Plan:** A management plan, as defined in terms of form and content in the rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority shall be included as an integral part of any application under this section.~~

Enclosed Parking: Parking on the first or ground floor shall be at the rear of the building and designed to **minimize** visibility from the public way or walkways and areas customarily used by pedestrians and the public.

Design Review Principles & Standards: In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.

APARTMENTS UNDER THE ZONING BYLAW - REVISED PROPOSAL + BUILD-OUT EXAMPLES

September 1, 2021 Presentation to the Planning Board

Prepared by Maureen Pollock, Planner

Amherst Planning Department

Dated: August 27, 2021



PROPOSED ZONING AMENDMENT LANGUAGE


1. Remove the maximum number of units allowed per building, opposed to having a max of 24 units/building
2. Update Standards & Conditions:
 - a. Diversify Bedroom Count for 10 unit+, and
 - b. Enclosed Parking
3. Revise permitting path to allow Apartments:
 - a. By Special Permit approval in the General Business (B-G), and
 - ~~b. By Site Plan Review approval in the Village Center Residence (R-VC)~~
4. New provision for the B-G Zoning District



APARTMENTS PERMITTED BY ZONING DISTRICT

TABLE 3 - DIMENSIONAL REGULATIONS

Zoning District	R-LD	R-O	R-N	R-VC	R-G	R-F	B-G	B-L	COM	B-VC	B-N	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.)	80,000	30,000	20,000	15,000	12,000 ^{am}	20,000	12,000 ^b	20,000 ^b	20,000 ^b	12,000 ^b	15,000 ^{ab}	40,000 ^a		30,000 ^a	80,000	
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 ^{am}		1,250 ^{ab}	4,000	4,000	2,500 ^{ab}	1,500 ^{ab}					
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	100	40 ^b	125 ^b	125 ^b	60 ^b	100 ^b	100 ^a		100 ^a	200	
Basic Minimum/Maximum Front Setback (ft.) ^a	30	25	20	15	15	20	0/20	20	20	10/20	10	30	20	20	40	
Basic Minimum Side and Rear Yards (ft.)	20	25	15	15	10	10	10 ^a	25 ^a	25 ^a	10 ^a	10 ^a	10	10	10	20	
Maximum Building Coverage (%)	10	15	20	25 ^a	25 ^a	45 ^a	70 ^a	35	35	35 ^a	35 ^a	20	25	25	10	
Maximum Lot Coverage (%)	15	25	30	40	40	65 ^a	95 ^a	85	70	70	65 ^a	70	65	70	15	
Maximum Floors ^a	2 ½	2 ½	3	3	3	5	5	3	3	3	3	2 ½	3	3	1	
Minimum/Maximum Height (ft.) ^a	35	35	35	35	40	55 ^a	55	35	35	16/40	40	35	50	35	20	

 = Apartments permitted by Zoning District. Basic Min. Lot Area, Additional Lot Area/Family, Min. Lot Frontage are required

 = Apartments permitted by Zoning District. Basic Min. Lot Area, Additional Lot Area/Family, Min. Lot Frontage not required, per Footnote "B"



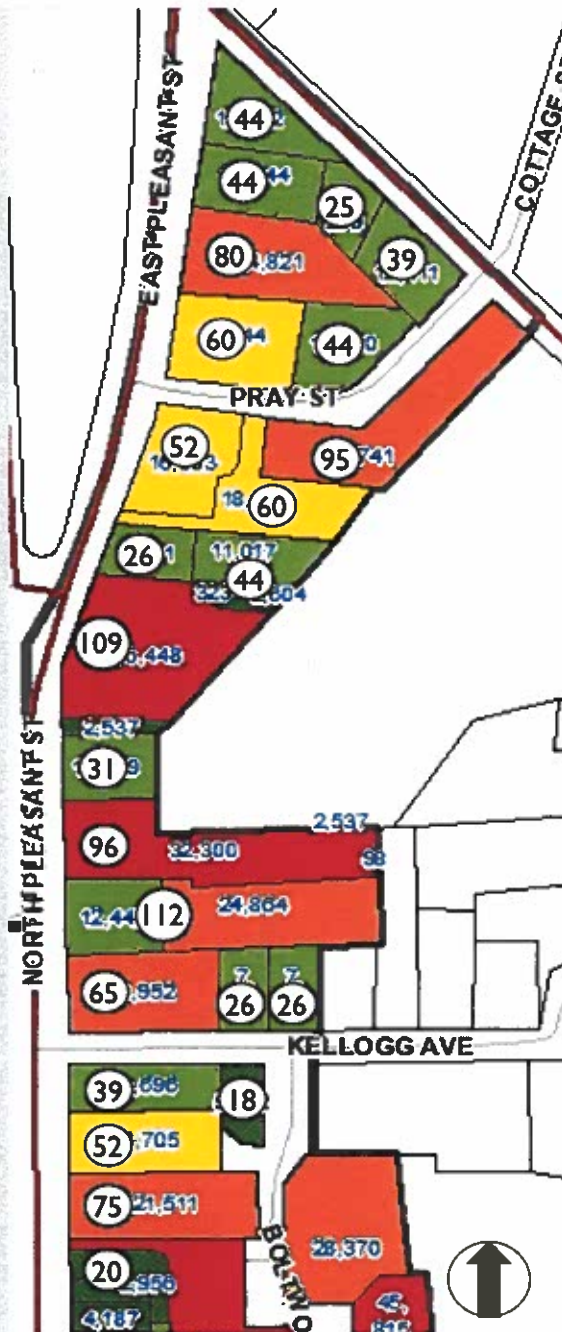
B-G ZONING DISTRICT – BUILD-OUTS



Lot Size	Number of Units that may be provided
>7,000ft ²	± 24 units or less
7,001ft ² – 15,000ft ²	± 25-50 units
15,001ft ² – 20,000ft ²	± 50-75 units
20,001ft ² – 30,000ft ²	± 75-100 units
31,001ft ²	± 100+ units

= ~ number of units that could be provided per lot

B-G ZONING DISTRICT – FOCUS AREA: BUILD-OUTS



Lot Size	# of units that may be provided
>7,000ft ²	± 24 units or less
7,001ft ² – 15,000ft ²	± 25-50 units
15,001ft ² – 20,000ft ²	± 50-75 units
20,001ft ² – 30,000ft ²	± 75-100 units
31,001ft ²	± 100+ units

= number of units that could be provided per lot



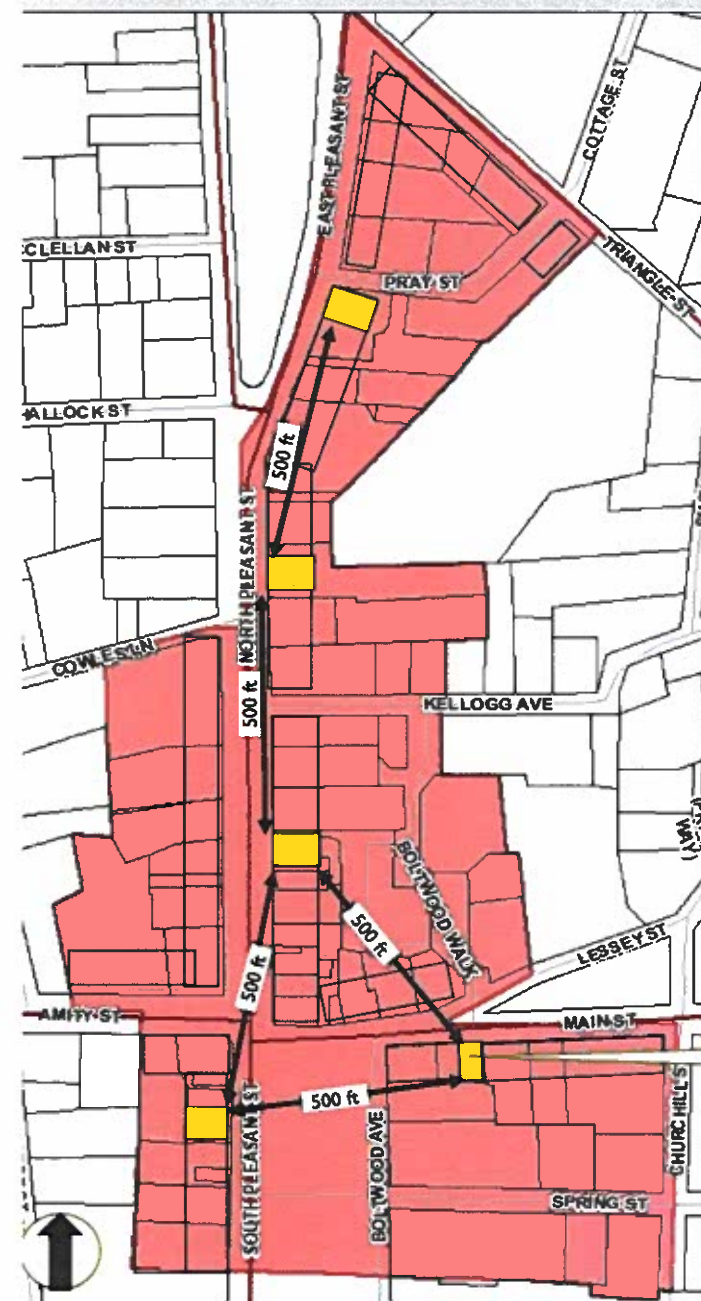
B-G ZONING DISTRICT – PROPOSAL

Proposal:

A proposed Apartment building located on any given parcel that fronts onto East Pleasant St, North Pleasant St, South Pleasant St, Main St, & Amity St within the B-G Zoning District shall not be located within 500 feet of an existing Apartment building.

Rationale:

- Proposal encourages more residential infill in the B-G Zone while creating a safe guard to promote and enhance the vibrancy of active streetscapes with mixed-use buildings along the main streets
- Proposal provides population support for businesses along the main corridors.
- Housing within walking distance of downtown and main streets is vital to success, especially outside of peak hours for retail shops, offices, cafes, restaurants, etc.



Existing Apartment Building



B-G: General Business

= Apartment building can't front street, unless it is at least 500-feet from another Apartment building



OTHER COMMUNITIES

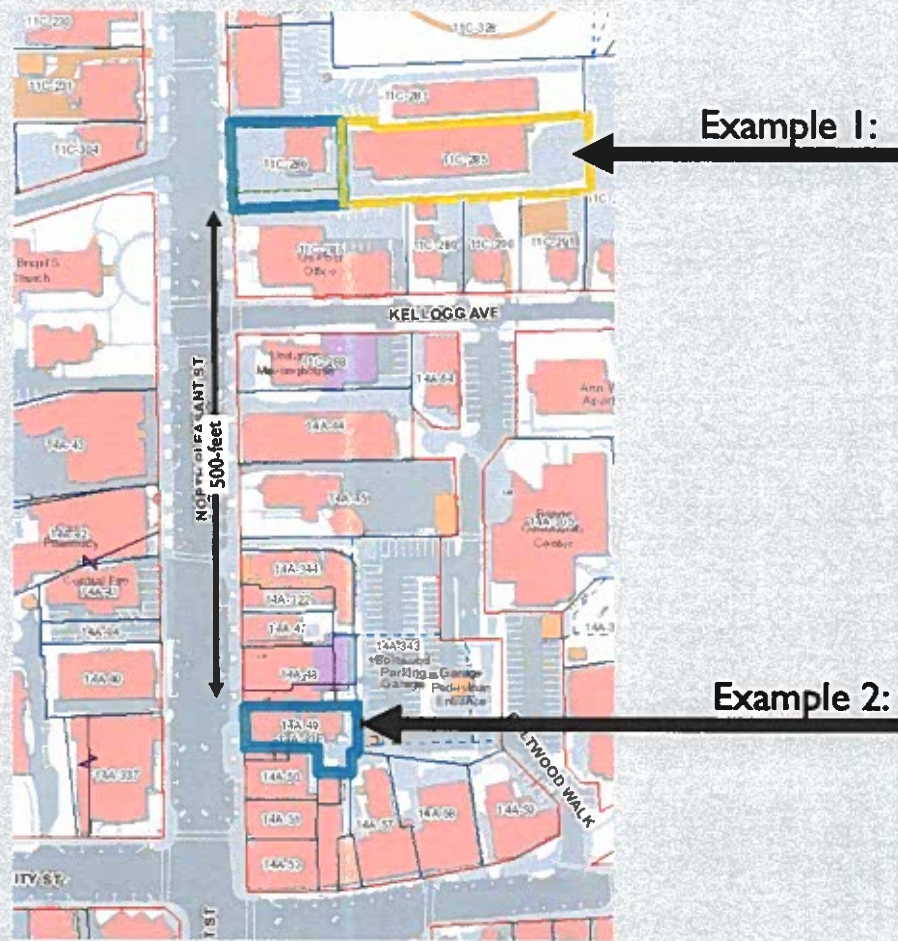
Northampton Central Business District:

By-Right Use:

- Any residential use above the 1st floor (Mixed-use Building)
- Any residential use located to the rear of otherwise permitted nonresidential uses that occupy a space at least 20 feet deep (Mixed-use Building)
- Any residential use on a property which does not abut on a public way or public park maintained by the City. (Apartment Building)



B-G ZONING DISTRICT - EXAMPLES



EXAMPLE #1 – B-G PARCEL



★ Gas Station and
★ Vacant Lot (building is now demolished)

- **0.80 Acres / 34,907 Square Feet**

- **±100 Residential Units could be provided, (based on Table 3 regulations)**

EXAMPLE #1 – B-G PARCEL



Proposal:

- ±100 dwelling units on the property, total
- 5-floor building
- ± 1,020ft² courtyard provided
- Bedroom count per unit varies
- Building Coverage: 21,173.5ft² or 60%

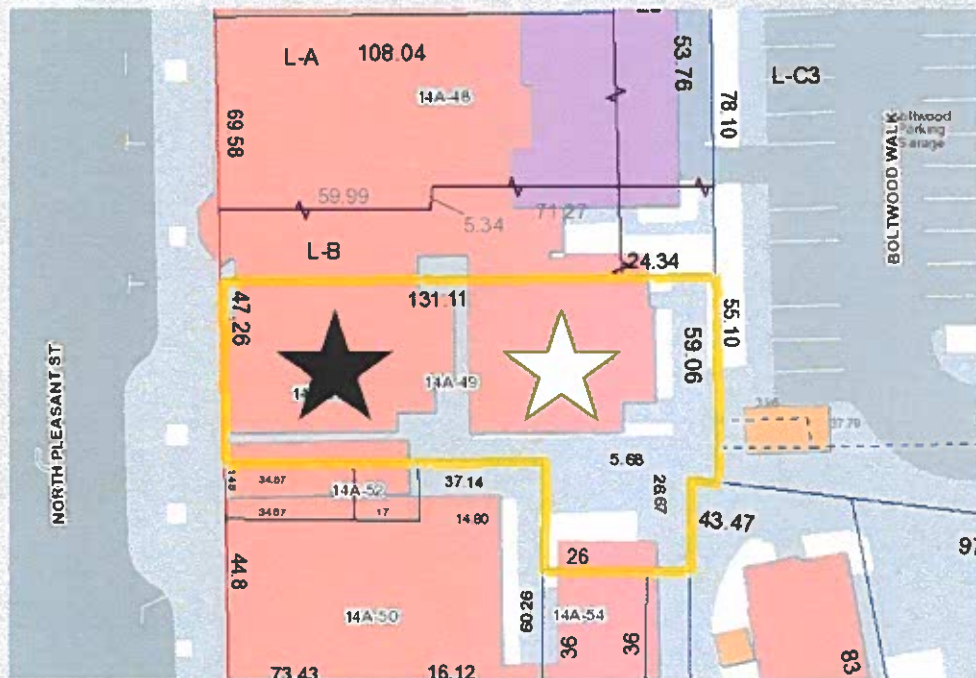


EXAMPLE #1 – B-G PARCEL



- A** Front setback: 25-feet (consistent with abutting building (post office))
- B** Side Setback: 10-feet
- C** Side/Rear Setback abutting R-G Zone: 20-feet
- D** Open Space & Amenities Provided: $\pm 1,020\text{ft}^2$

EXAMPLE #2 – B-G PARCEL



Existing Use:

- ★ Typewriter shop and
- ☆ Knights of Columbus building

Existing Lot Size:

- 0.17 Acres / 7,413 Square Feet

Maximum Build-out:

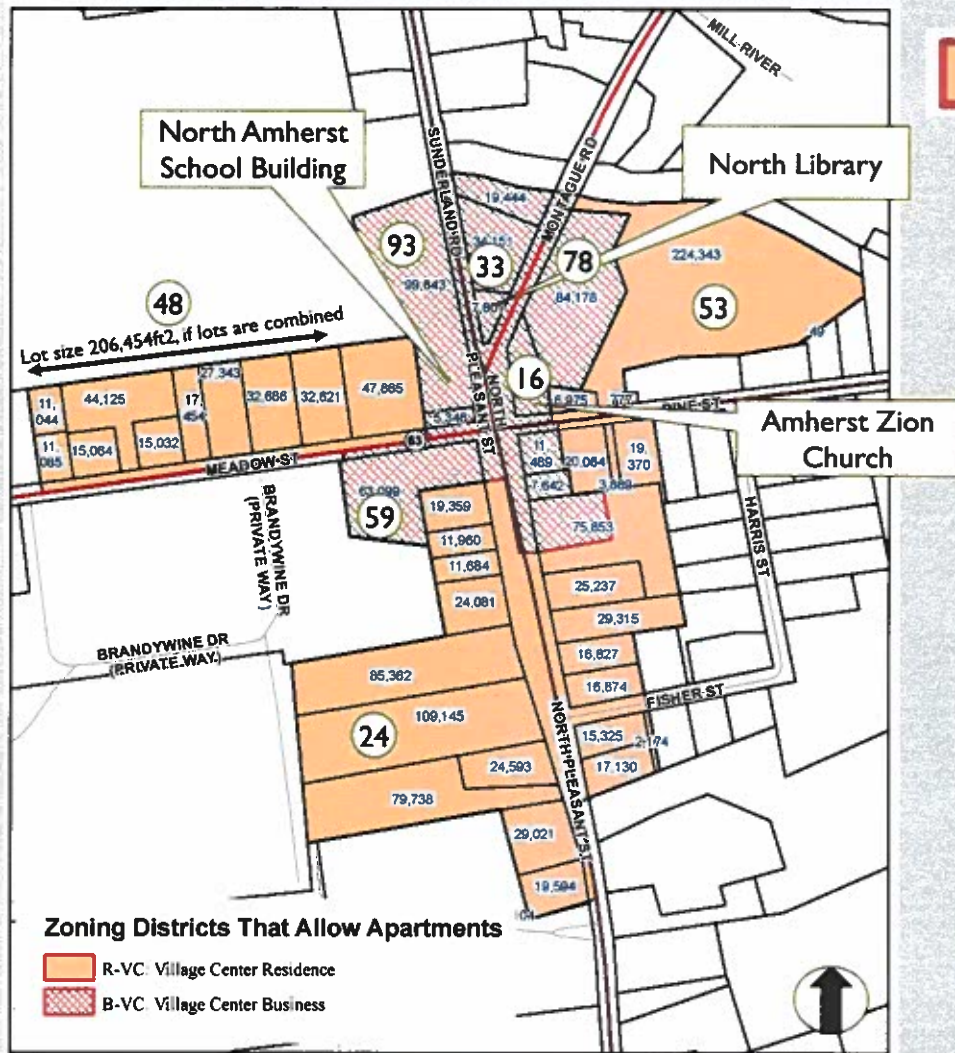
- Maximum Building Coverage: 5,189ft² (building footprint)
- ±20 Residential Units could be provided, (based on Table 3 regulations)



NORTH AMHERST – R-VC & B-VC ZONING DISTRICTS



NORTH AMHERST– BUILD-OUTS



R-VC Zoning District:

Per Table 3 Dimensional Regulations,

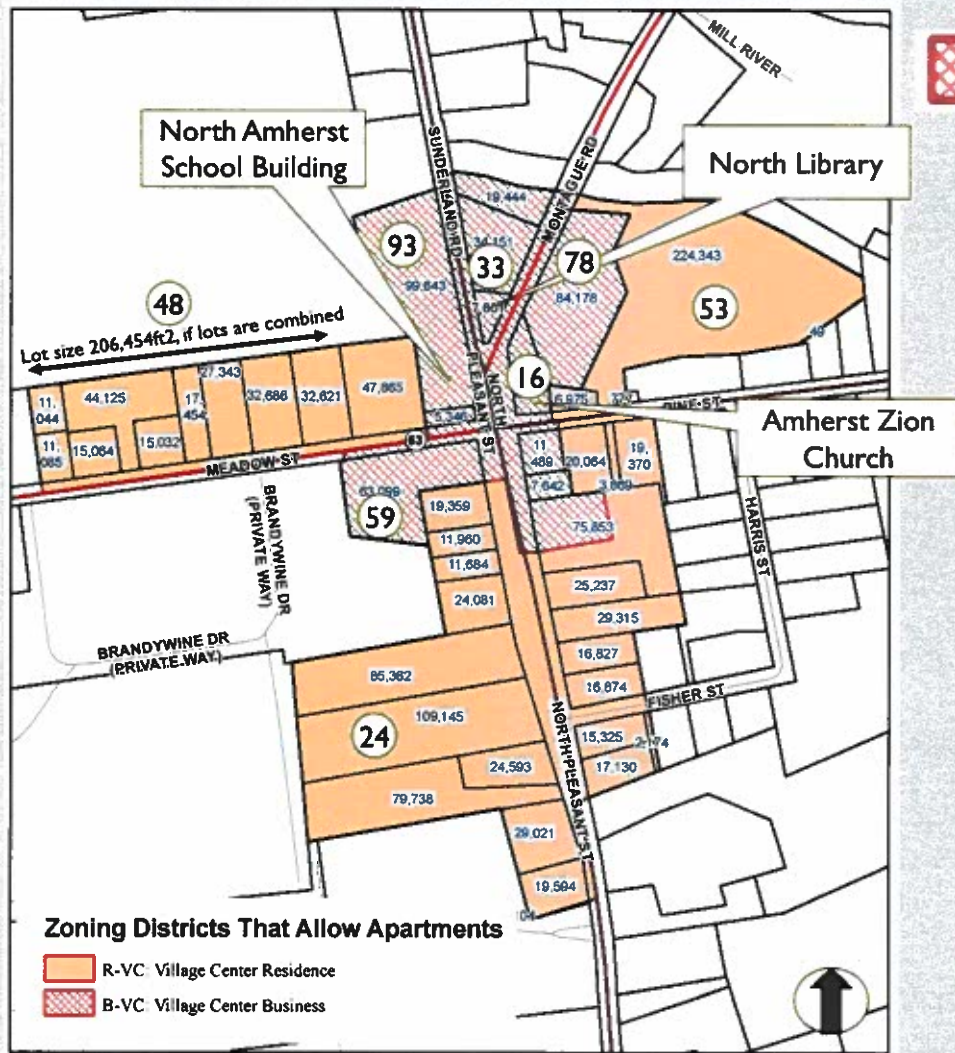
- A lot size of 111,000ft² square feet (2.5 Acres) could provide a 3-floor, 25 unit Apartment Building, while dedicating 44,400ft² (40%) for open space.
- A lot size of 206,454ft² (4.7 Acres) could provide a 3-floor, 48 unit Apartment Building, with dedicating 123,872ft² (60% of lot area) for open space.
- 1 parcel is $\geq 111,000\text{ft}^2$ in size area, which could provide a 25+unit Apartment building. This parcel currently has 48 units on-site.



= ~ number of units that could be provided per lot



NORTH AMHERST– BUILD-OUTS



B-VC Zoning District:

Per Table 3 Dimensional Regulations,

- A lot size of 25,000ft² (0.6 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating 7,500ft² (30% of lot area) for open space.
- A lot size of 99,643ft² (2.3 Acres) could provide a 3-floor, 93 unit Apartment Building, with dedicating 10,245ft² (30% of lot area) for open space.
- 4 parcels are ≥ 25,000ft² in size area which could each provide a 3-floor, 25+unit Apartment building



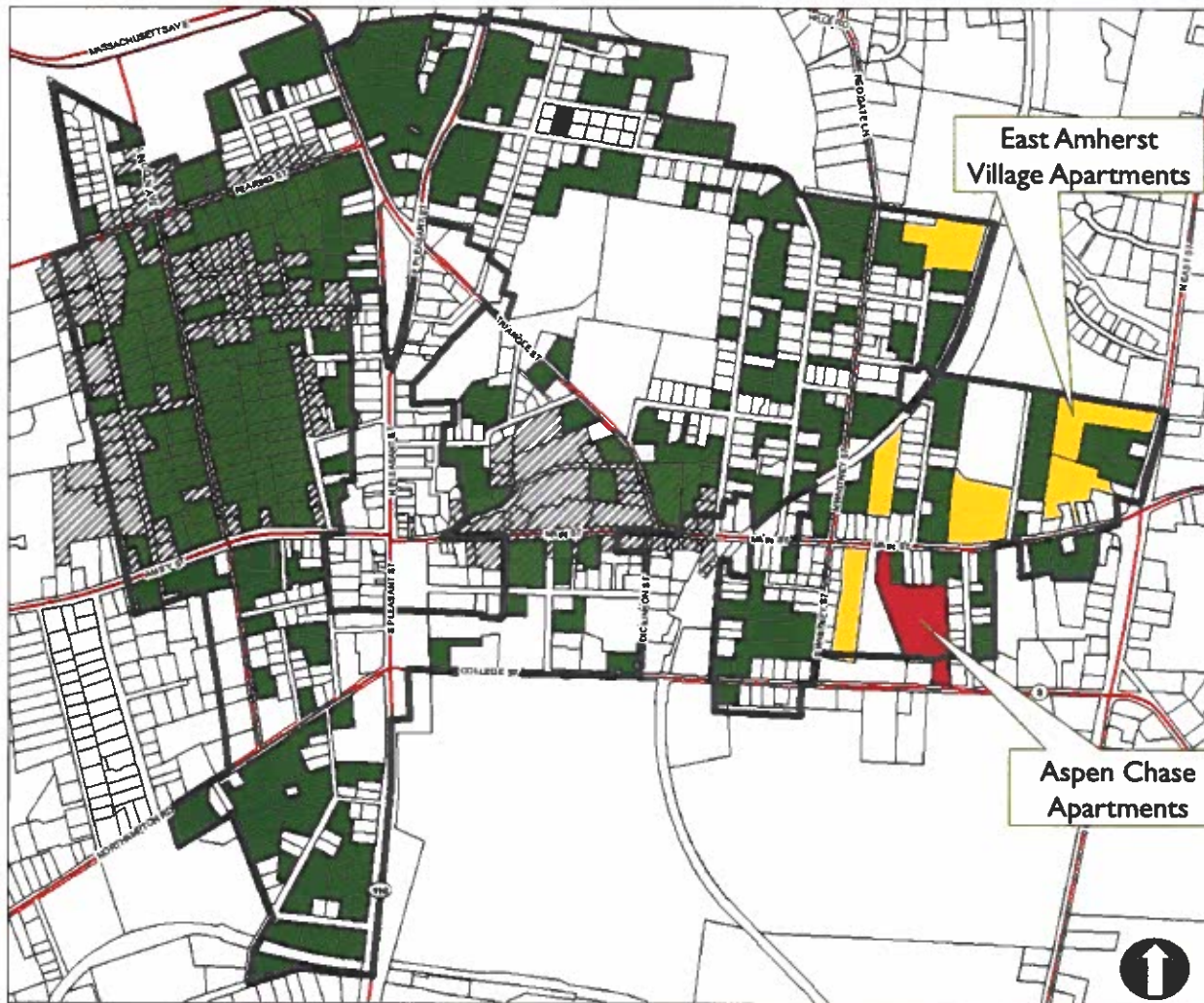
= ~ number of units that could be provided per lot



R-G ZONING DISTRICT - EXAMPLE



NUMBER OF UNITS ALLOWED PER LOT, WITH FOOTNOTE M



Map excludes the following Parcels:

- Parcels less than 17,000ft in size area
- Split Zoned Parcels
- Town of Amherst Properties
- Churches
- Conservation Properties
- Educational Buildings Owned by Amherst College

Parcels

of units allowed/lot with Footnote M

- Less than 24 units (371)
- 25-50 units allowed (67)
- 50-75 units allowed (1)

District

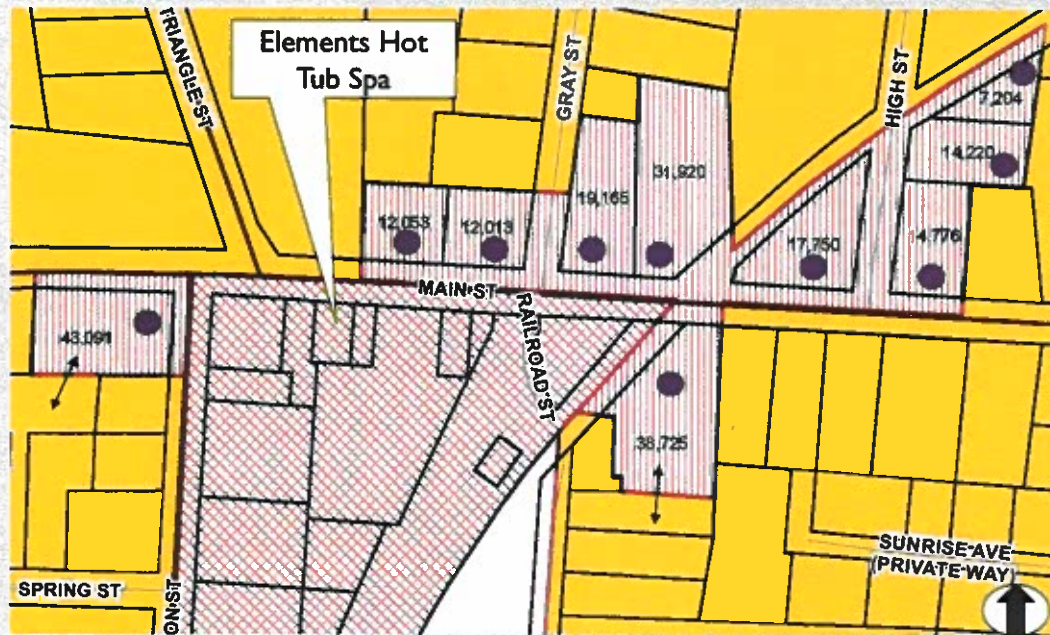
- Local Historic Districts (2)
- RG_Zone (1)



ZONING DISTRICTS AT MAIN + TRIANGLE ST



B-N ZONING DISTRICT



B-N Zone:

- 10 parcels are located within the B-N Zone
- Per Table 3 - Dimensional Regulations AND Floor Area Ratio Requirements for the BN, a lot size of at least 87,120ft² (2.0 Acres) could provide a 2-floor, 25-unit Apartment with 34,848ft² (40% of total lot area) dedicated for open space.
- None of these parcels are large enough to provide a 25-unit+ Apartment Building.

Zoning Districts That Allow Apartments

- R-G: General Residence
- B-VC: Village Center Business
- B-L: Limited Business
- B-N: Neighborhood Business

B-L ZONING DISTRICT



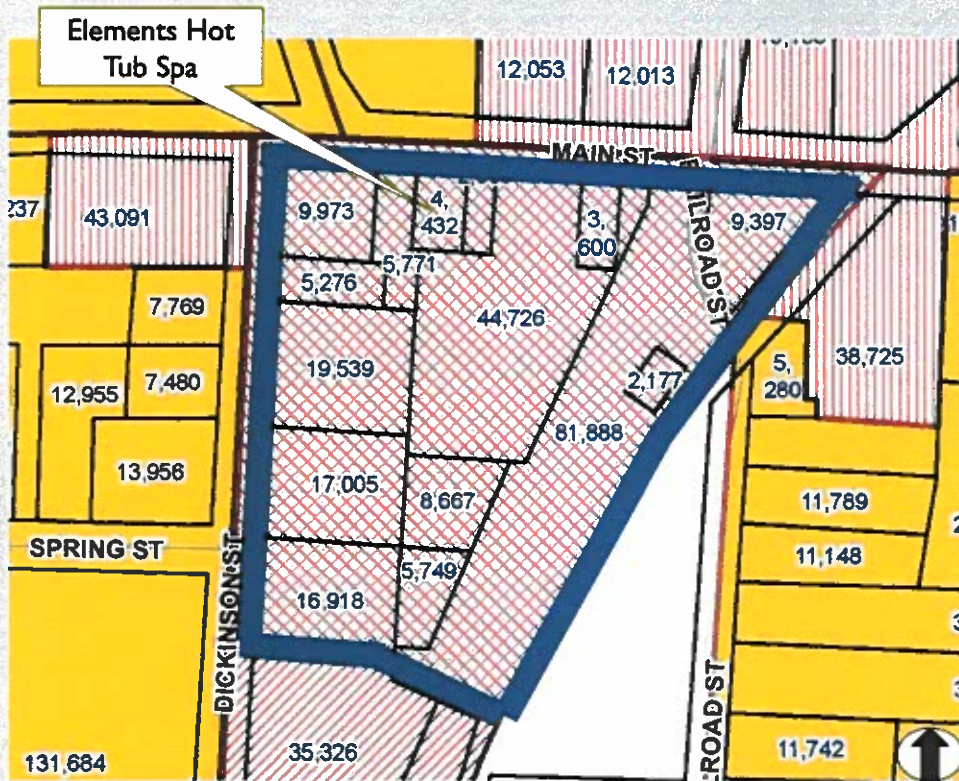
B-L Zone:

- 3 parcels are located within the B-L Zone at the corner of College and Dickinson St.
- Per Table 3, Dimensional Regulations, a lot size of $\pm 116,000\text{ft}^2$ (2.6 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating $17,400\text{ft}^2$ (15% of total lot area) for open space.
- None of these parcels are large enough to provide a 25-unit+ Apartment Building.

Zoning Districts That Allow Apartments

- R-G: General Residence
- B-VC: Village Center Business
- B-L: Limited Business
- B-N: Neighborhood Business

B-VC ZONING DISTRICT



Zoning Districts That Allow Apartments

- R-G General Residence
- B-VC Village Center Business
- B-L Limited Business
- B-N Neighborhood Business

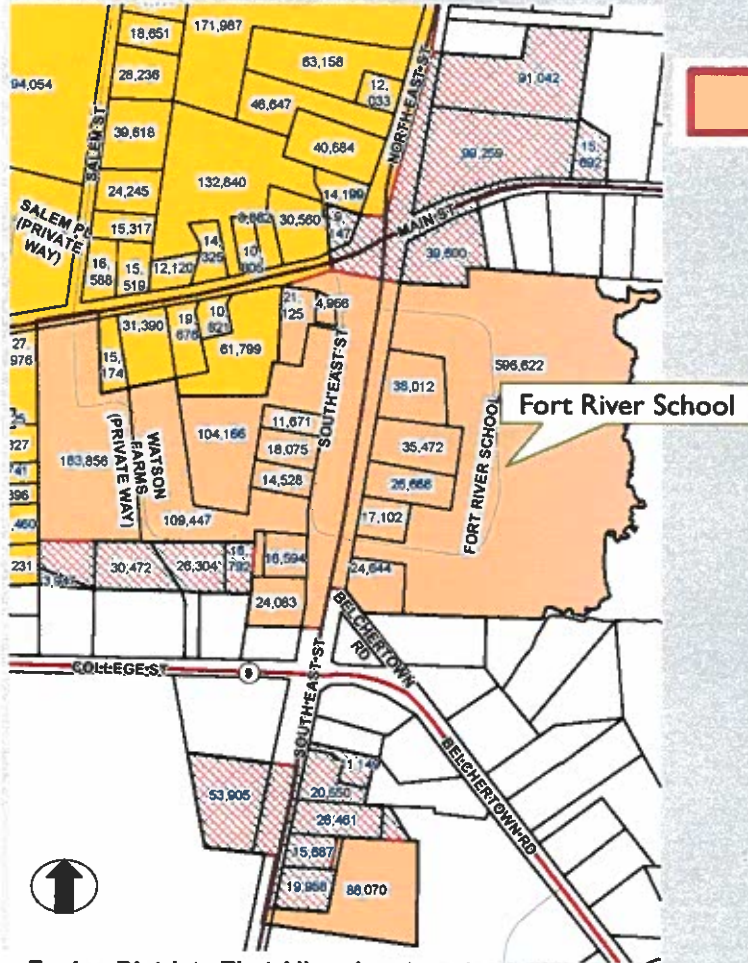
B-VC Zoning District:

- 15 parcels are located within the B-VC Zone
- Per Table 3 Dimensional Regulations:
- A lot size of 25,000ft² (0.6 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating 7,500ft² (30% of total lot area) for open space.
 - A lot size of 99,643ft² (2.3 Acres) could provide a 3-floor, 93 unit Apartment Building, with dedicating 10,245ft² (30% of total lot area) for open space.
 - 2 parcels are ≥ 25,000ft² in size area which could each provide a 3-floor, 25+unit Apartment building

ZONING DISTRICTS AT COLLEGE ST + SOUTH EAST ST + MAIN ST



ZONING DISTRICTS AT COLLEGE ST + SOUTH EAST ST + MAIN ST



R-VC Zoning District:

- Per Table 3 Dimensional Regulations, a lot size of 111,000ft² square feet (2.5 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating 44,400ft² (40% of total lot area) for open space.
- 3 parcels are \geq 111,000ft² in size area, including:
 - Fort River Elementary School,
 - Watson Farms Apartments, and
 - Town of Amherst property

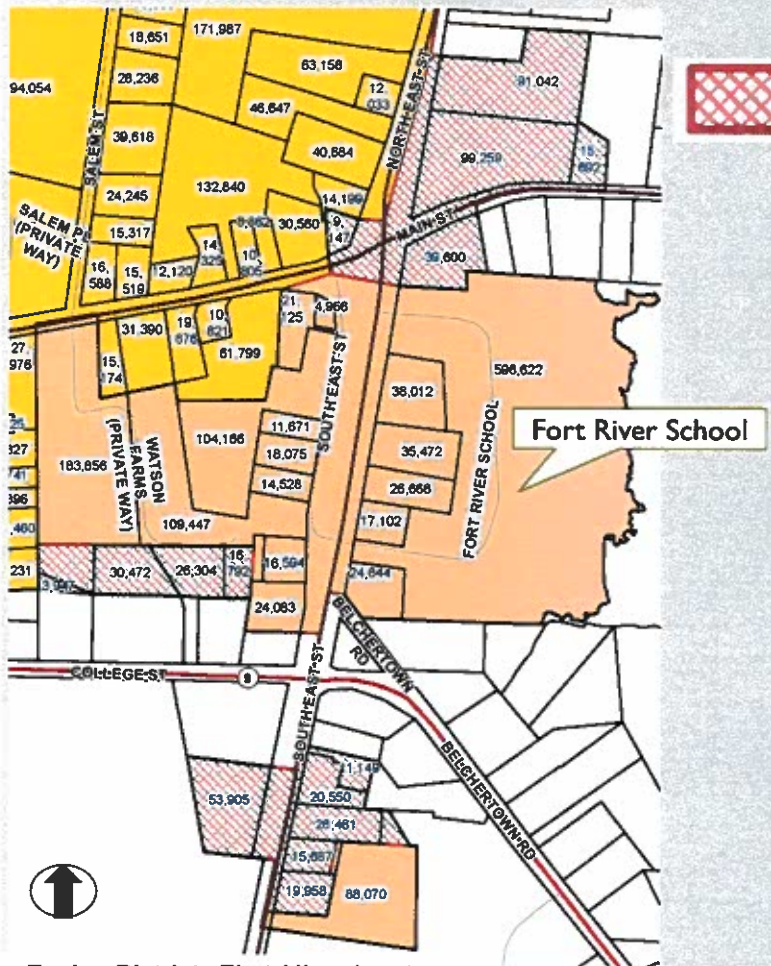


Zoning Districts That Allow Apartments

-  R-VC: Village Center Residence
-  B-VC: Village Center Business



ZONING DISTRICTS AT COLLEGE ST + SOUTH EAST ST + MAIN ST



Zoning Districts That Allow Apartments

- R-VC: Village Center Residence
- B-VC: Village Center Business



B-VC Zoning District:

- 14 parcels are located within the B-VC Zone in this area
- Per Table 3 Dimensional Regulations,
- A lot size of 25,000ft² (0.6 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating 7,500ft² (30% of total lot area) for open space.
 - A lot size of 99,643ft² (2.3 Acres) could provide a 3-floor, 93 unit Apartment Building, with dedicating 10,245ft² (30% of total lot area) for open space.
 - 7 parcels are ≥ 25,000ft² in size area which could each provide a 25+unit Apartment building



B-L ZONING DISTRICT ALONG UNIVERSITY DRIVE

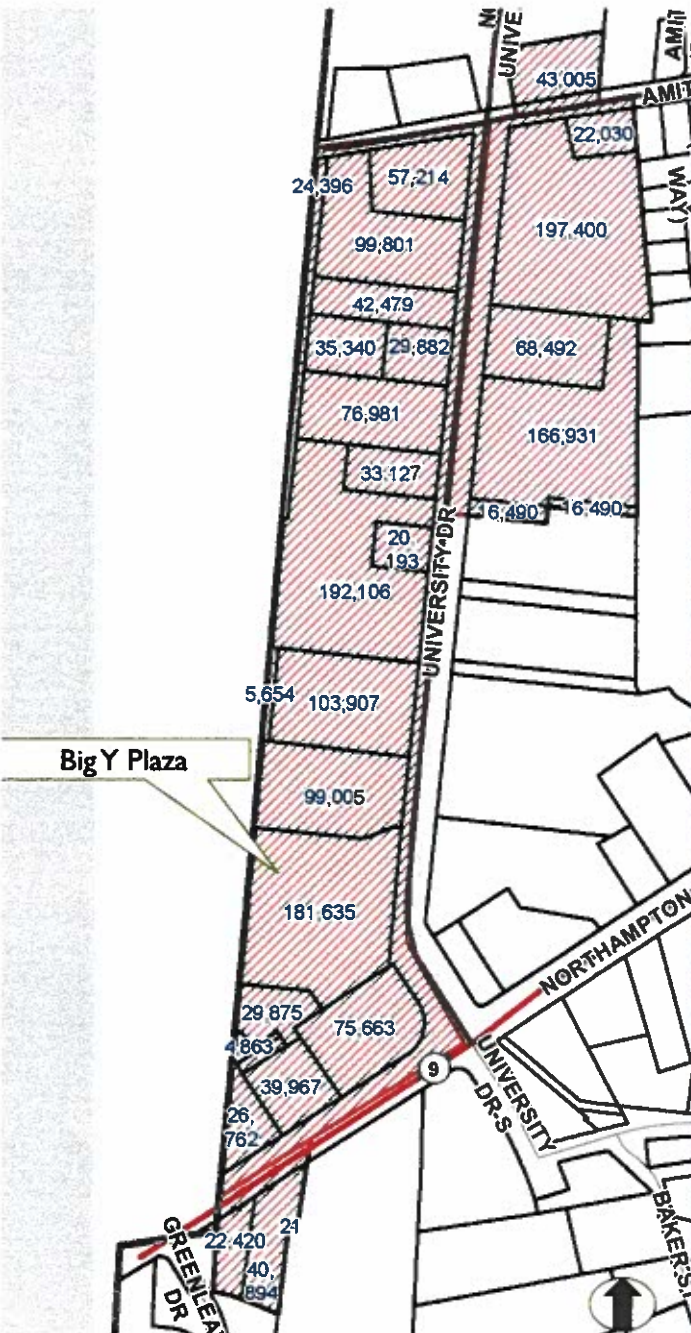
B-L Zone:

- 28 parcels are located within the B-L Zone along University Dr
- Per Table 3, Dimensional Regulations, a lot size of 116,000ft² (2.6 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating 17,400ft² (15% of total lot area) for open space.
- 4 parcels are ≥ 116,000ft² in size area which could provide a 3-floor, 25+unit Apartment building

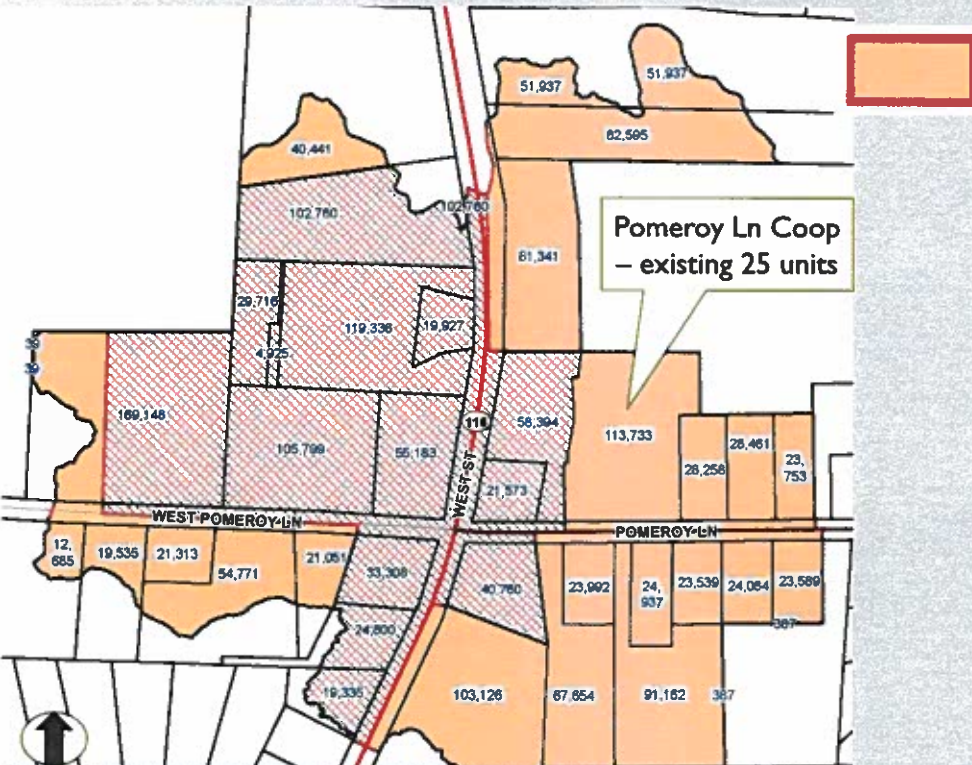
Zoning Districts That Allow Apartments



B-L: Limited Business



ZONING DISTRICTS AT POMEROY VILLAGE



R-VC Zoning District:

Per Table 3 Dimensional Regulations,

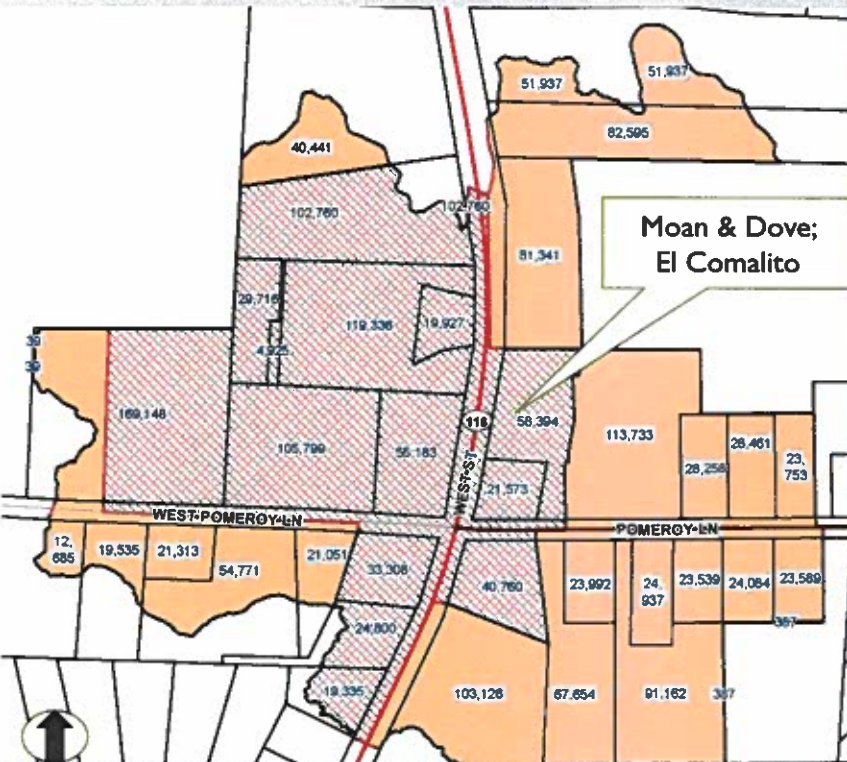
- A lot size of 111,000ft² square feet (2.5 Acres) could provide a 3-floor, 25 unit Apartment Building, while dedicating 44,400ft² (40%) for open space.
- A lot size of 206,454ft² (4.7 Acres) could provide a 3-floor, 48 unit Apartment Building, while dedicating 123,872ft² (60%) for open space.
- 1 parcel is ≥ 111,000ft² in size area which could provide a 25+unit Apartment building, which is already has 25-unit Apartments on site (Pomerooy Lane Coop/Amherst Housing Authority property)

Zoning Districts That Allow Apartments

-  R-VC: Village Center Residence
-  B-VC: Village Center Business



ZONING DISTRICTS AT POMEROY VILLAGE



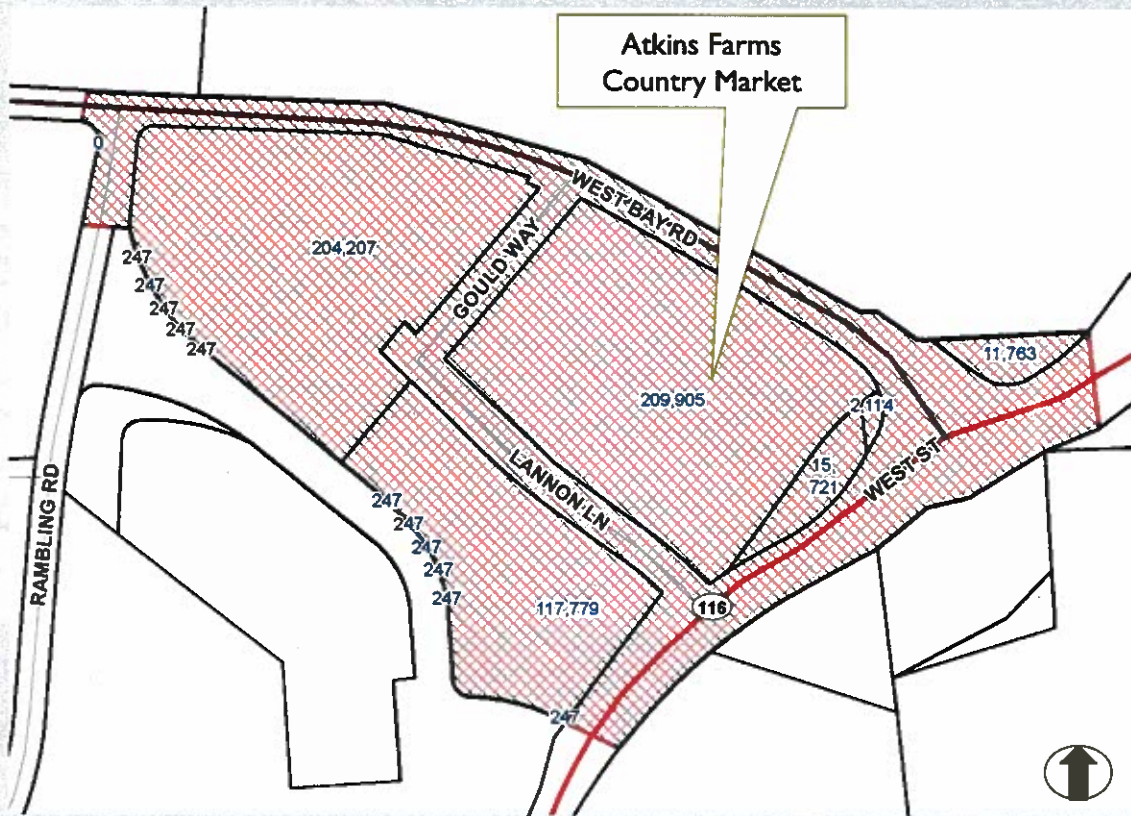
B-VC Zoning District:

- 14 parcels are located within the B-VC Zone at Pomeroy Village
- A lot size of 25,000ft² (0.6 Acres) could provide a 3-floor, 25 unit Apartment Building, with dedicating 7,500ft² (30% of total lot area) for open space.
- A lot size of 99,643ft² (2.3 Acres) could provide a 3-floor, 93 unit Apartment Building, with dedicating 10,245ft² (30% of total lot area) for open space.
- 9 parcels are \geq 25,000ft² in size area which could each provide a 3-floor, 25+unit Apartment building

Zoning Districts That Allow Apartments

-  R-VC: Village Center Residence
 B-VC: Village Center Business

ZONING DISTRICTS AT ATKINS CORNER



B-VC Zoning District:

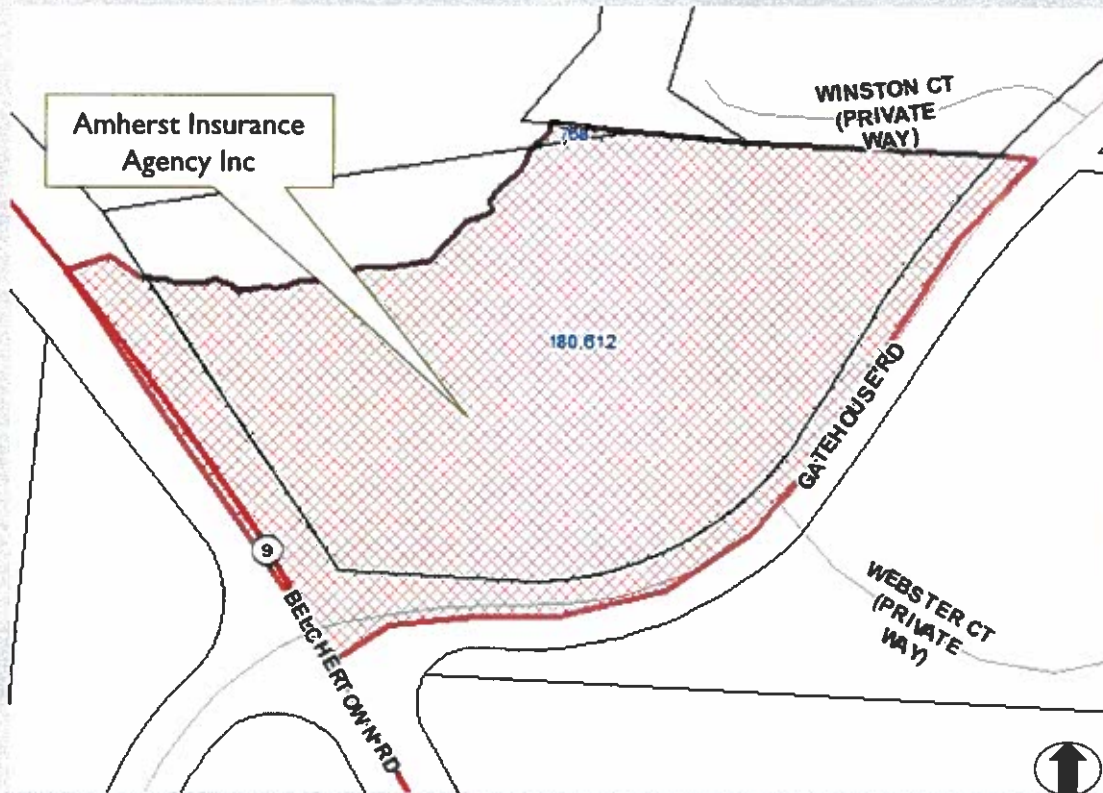
- 6 parcels are located within the B-VC Zone at Atkins Corner
- Need $\pm 25,000\text{ft}^2$ to provide a 25 unit Apartment Building
- A lot size of $99,643\text{ft}^2$ (2.3 Acres) could provide a 3-floor, 93 unit Apartment Building, while dedicating $10,245\text{ft}^2$ (30%) for open space.
- 3 parcels are $\geq 25,000\text{ft}^2$ in size area which could each provide a 3-floor, 25+unit Apartment building

Zoning Districts That Allow Apartments

 B-VC: Village Center Business



ZONING DISTRICTS ALONG BELCHERTOWN RD



B-VC Zoning District:

- 1 parcel is located within the B-VC Zone at Belchertown/Gatehouse corner
- Need $\pm 25,000\text{ft}^2$ to provide a 25 unit Apartment Building
- 1 parcel is $\geq 25,000\text{ft}^2$ in size area which could each provide a 3-floor, 25+unit Apartment building

Zoning Districts That Allow Apartments



B-VC: Village Center Business




CONCLUSION

TABLE 3 – DIMENSIONAL REGULATIONS

Zoning District	R-VC	R-G	B-G	B-L	B-VC	B-N
Basic Minimum Lot Area (sq. ft.)	5,000	12,000 ^m	12,000 ^b	20,000 ^b	12,000 ^b	15,000 ^{ab}
Additional Lot Area/Family (sq. ft.)	4,000	2,500 ^{am}	1,250 ^{ab}	4,000	2,500 ^{ab}	1,500 ^{ab}
Basic Minimum Lot Frontage (ft.)	120	100	40 ^b	125 ^b	60 ^b	100 ^b
Basic Minimum/Maximum Front Setback (ft.) ^a	15	15	0/20	20	10/20	10
Basic Minimum Side and Rear Yards (ft.)	15	10	10 ^a	25 ^a	10 ^a	10 ^a
Maximum Building Coverage (%)	25 ^a	25 ^a	70 ^a	35	35 ^a	35 ^a
Maximum Lot Coverage (%)	40	40	95 ^a	85	70	65 ^a

 = Apartments permitted by Zoning District. Basic Min. Lot Area, Additional Lot Area/Family, Min. Lot Frontage are required

 = Apartments permitted by Zoning District. Basic Min. Lot Area, Additional Lot Area/Family, Min. Lot Frontage not required, per Footnote "B"

- Table 3 provide safeguards for limiting the # of units allowed per lot; and size and height of buildings in the R-VC, R-G, B-L, + B-N Zones
- Biggest impact for removing the proposed maximum # of units allowed per Apartment building is found in the B-G + B-VC Zones, as lot area + additional lot area/family requirements are not required
- Revised proposal (apartment building can't abut main streets unless 500-ft apart) encourages more residential infill in the B-G Zone while creating a safe guard to promote and enhance the vibrancy of active streetscapes with mixed-use buildings along the main streets



Questions/Comments?

Thank you!

Maureen Pollock, Planner

Town of Amherst Planning Department

Pollockm@amherstma.gov



APARTMENT



SECTION 3.323 APARTMENTS:

Existing Definition:

A residential use consisting of one or more buildings, each building containing no fewer than 3, nor more than 24 dwelling units.

Existing Standards & Conditions –

Development Location: The site or lot upon which one or more apartment buildings are proposed shall be located:

1. close to a heavily traveled street or streets,
2. close to a business, commercial or educational district, or
3. in an area already developed for multi-family use.



SECTION 3.323 APARTMENTS:

Standards & Conditions (continued)

- Need to connect to sewer
- Need to meet the dimensional regulations
- Special provisions for the Neighborhood Business (BN) Zoning District
- Bedroom Count: No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms).
- Need to apply Design Review Principles & Standards



PROPOSED ZONING AMENDMENT LANGUAGE

1. Remove the maximum number of units allowed per building, opposed to having a max of 24 units/building
2. Update Standards & Conditions:
 - a. Diversify Bedroom Count for 10 unit+, and
 - b. Enclosed Parking
3. Revise permitting path to allow Apartments:
 - a. By Special Permit approval in the General Business (B-G), and
 - b. By Site Plan Review approval in the Village Center Residence (R-VC)





To: Town Council

Fr: Paul Bockelman, Town Manager
Christine Brestrup, Planning Director

Dt: June 25, 2021

Re: Amendments to Zoning Bylaw Article 3: Use Regulations
Section 3.323: Apartments and
Article 12: Definitions

Executive Summary

I request that the Town Council review and adopt amendments to Article 3: Use Regulations, Section 3.323: Apartments and Article 12: Definitions of the Amherst Zoning Bylaw.

These amendments have been drafted by Town staff, led by Planning Director Christine Brestrup and Building Commissioner Robert Morra, who also produced the content of this memorandum.

The purpose of this zoning amendment is to amend the Zoning Bylaw to change Apartments to change the definition of Apartments, so as not to limit the number of dwelling units in Apartments, and to change the permitting requirements for Apartments in the R-VC and B-G zoning districts.

Background

During the entire year of 2020 the Planning Board and the Community Resources Committee (CRC) of the Town Council worked together on a list of zoning priorities that they hoped to develop to present to Town Council. This work culminated in a list of zoning priorities. On January 4, 2021, the Town Council voted to direct the Town Manager to present zoning amendments to the Town Council.

At the same time, the Planning Department and Building Commissioner had developed a list of zoning priorities, some of which overlapped with those developed by the Planning Board and the CRC.

Since February 2021, Planning Department staff and the Building Commissioner have been working with the Community Resources Committee and the Planning Board to develop zoning amendments to address these zoning priorities, along with priorities of the Planning Department and the Building Commissioner.

Revising the Apartments bylaw was one of the Town Council priorities. It is now ready to be presented to Town Council.

History

Apartments have been part of the Amherst landscape for generations. For many years this use was not controlled by zoning.

In the 1927 Zoning Bylaw, Apartments were defined as “Apartment Houses: A dwelling designed for or occupied by more than two families under one roof, or for one or more families above a first floor used for non-residential purposes.” At that time Apartment Houses were permitted in Business Districts and Industrial Districts.

By 1958 Apartment Houses were combined in a use category defined as “Row house, apartment house, or other structure or group of structures designed for two or more dwelling units on a single lot”. They were allowed in the Central Business (B-C) district, Central Residence (R-12) district and Limited Business (B-L) district by right and in the Half-acre Residence (R-20) by Special Exception.

By 1966 the definition had changed slightly: “Row house, apartment house or other structure designed for a total of three or more dwelling units, except that a dwelling structure having a maximum length of more than 200 feet is expressly excluded.” At that time Apartments were allowed by Special Permit in the Neighborhood Residence (R-N), General Residence (R-G), Campus Residence (C-R), General Business (B-G) and Limited Business (B-L) districts.

By 1980 Apartments were a separate use category, under Section 3.323 of the Zoning Bylaw. They were no longer allowed in the R-N zoning district, but were allowed by Special Permit in the R-G, C-R, B-G, B-L and Village Center Business (B-VC) zoning districts.

The 1980 Zoning Bylaw lists the following standards and conditions for Apartments:

- 3.3231 – The site or lot upon which one or more apartment buildings are proposed to be located shall be located: close to a heavily travelled street or streets, close to a business, commercial or educational district or in an area already developed for multi-family use;
- 3.3232 – Each building shall have no fewer than 3 nor more than 24 dwelling units;
- 3.3233 – Each building shall be connected to the public sewer system prior to occupancy;
- 3.3234 – Dimensional regulations in Article 6 shall be observed. In addition, the following requirements shall apply...

And the bylaw went on to list additional side and rear yard requirements per floor, FAR or Floor Area Ratio requirements and minimum landscape or natural open space for Apartments in the C-R and B-VC zoning districts. The regulations went on to describe what “minimum landscape or natural open space” meant and where it could be located.

- 3.3235 – No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms)

One can see that the current Apartments use category and standards and conditions have not changed much in 30 years.

After a flurry of construction of Apartments in the 1960's and 1970' in response to the growth of the University, by 1980 Apartments could no longer be built in the R-N zoning district.

Currently buildings that are considered to be Apartments are mostly congregated in the R-N zoning districts, along East Hadley Road and in North Amherst. There have been some recent examples of Apartments being built, such as the new Aspen Heights building on Northampton Road, but because of non-conformities related to pre-existing uses on the site, this building did not need to comply with the limitation of a maximum of 24 dwelling units per building.

Rationale

Developers are attracted to the Mixed-use Building format, rather than Apartments, particularly in the B-G zoning district, because of the lack of limitation on the number of dwelling units that are allowed in a Mixed-use Building. Unlike Apartments, which are currently limited to 24 units per building, Mixed-use Buildings allow as many dwelling units as can fit within the structure that is allowed by the dimensional regulations of the zoning district in which the building is located. In other words, the size of the building is limited by the dimensional requirements of the particular zoning district in which the building is located, but the number of units that a developer can fit within the building is only limited by the size of the building and the lot area requirement per dwelling unit.

The Community Resources Committee (CRC) and the Planning Board have been studying these uses (Apartments and Mixed-use Buildings) in relation to each other in an effort to coordinate the definitions, permitting structure and standards and criteria of Mixed-use buildings and Apartments, and are now proposing changes to the Zoning Bylaw to clarify requirements for both Mixed-use Buildings and Apartments to better meet the housing needs of the town and region as outlined in the Housing Production Plan (2013) and Housing Market Study (2015).

Process

The proposed zoning amendment would change the definition of Apartments so that they are no longer limited to a maximum of 24 dwelling units per building. This would allow Apartment buildings to be constructed in zoning districts where the use category is allowed but would provide more density than is currently allowed. Buildings would be allowed to be built that are limited by the dimensional regulations of the particular zoning district in which they are located, but the number of dwelling units per building would be based on how many units could fit within the limits of the building allowed to be built, rather than an arbitrary limit of 24 dwelling units.

Apartments are currently allowed by Special Permit in the Residential Village Center (R-VC), Limited Business (B-L), Village Center Business (B-VC) and Neighborhood Business (B-N) zoning districts. They are allowed by Site Plan Review in the General Business (B-G) zoning district.

The zoning amendment would change the permitting requirement to allow Apartments by Site Plan Review rather than Special Permit in the Village Center Residence (R-VC) district, because Apartments are a completely residential use. It would change the permitting requirement to allow Apartments by Special Permit in the General Business (B-G) district, since it is preferable to have a non-residential use (such as would be found in a Mixed-use Building) on the first or ground floor of the B-G district to enhance the vibrancy of the downtown.

The bedroom count would be changed to read as follows:

Bedroom Count: No more than 50% of the total number of dwelling units shall have the same bedroom count, with the exception of an Apartment building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for projects in which all dwelling units provided are Affordable (See Article 12, Affordable Housing)

Parking on the first or ground floor would be permitted but would be limited to the rear of the building and designed to reduce visibility from the public way or areas customarily used by pedestrians and the public.

There would be an added requirement that the Principles & Standards of the Design Review Board would be required to be applied to new Apartment buildings, whether or not they were in the DRB area of jurisdiction.

Proposal

The Town Manager, led by the Planning Department, is requesting that the Town Council review and adopt the attached amendments to Article 3 and Article 12 of the Zoning Bylaw.

We anticipate the Town Council will refer the proposed amendments to the Planning Board and Community Resources Committee for a public hearing. Town staff stand ready to assist the Planning Board and CRC in their deliberations.

See the following pages for existing language proposed to be repealed and new language proposed to be inserted into the Zoning Bylaw.

PROPOSED ZONING BYLAW AMENDMENTS

SECTION 3.323, APARTMENTS

ARTICLE 12: DEFINITIONS

Bold/Italic text indicates proposed new language.

~~Bold/Strikethrough~~ indicates proposed deleted removal.

ARTICLE 3 USE REGULATION

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

SECTION 3.323 APARTMENTS

N = No, the Use is not permitted in that Zoning District
SPR = The Use is permitted with Site Plan Review (See Section 11.2)
SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (see Section 10.3)

Zoning Districts													
R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	<i>SP</i> <i>SPR</i>	SP	N	<i>SPR</i> <i>SP</i>	SP	SP	SP	N	N	N	N	N

Standards & Conditions:

The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multi-family use.

Each building shall have no fewer than 3, ~~nor more than 24 dwelling units~~. Each building shall be connected to the public sewer system prior to occupancy. Dimensional regulations in Article 6 shall be observed.

In addition, the following requirements shall apply:

Zoning Districts	Additional Side/Rear Yards per Floor	Floor Area Ratio	Minimum Landscape or Natural Open Space
R-G	2-feet		
B-L	2-feet		
B-VC	2-feet		
B-N	2-feet	0.3	40%

Minimum Landscaped or Natural Open Space: NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.

Specifically excluded from this definition are those areas devoted to parking, access, and service drives.

Bedroom Count: No more than 50% of the total number of dwelling units shall *have the same bedroom count, with the exception of an Apartment building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for project in which all dwelling units provided are Affordable (see Article 12, Affordable Housing). be of any one size (i.e. # of bedrooms). For projects in which all dwelling units provided, other than those occupied by resident manager(s), are Affordable (see Article 12, Definitions), the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for this use may waive or modify this requirement.*

Management Plan: ~~A management plan, as defined in terms of form and content in the rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority shall be included as an integral part of any application under this section.~~

Enclosed Parking: *Parking on the first or ground floor shall be at the rear of the building and designed to reduce visibility from the public way or walkways and areas customarily used by pedestrians and the public.*

Design Review Principles & Standards: *In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.*

ARTICLE 12 DEFINITIONS:

Add the following language and renumber subsequent sections of Article 12:

- 12.02 Apartment:** *A residential use consisting of one or more buildings, each building containing no fewer than three (3), ~~nor more than twenty-four (24)~~ dwelling units. Apartment dwelling units may share internal access ways and entrances and need not have separate exterior entrances on the ground level.*

Questions for APARTMENTS DEFINITION ZONING AMENDMENT (JM-8/25/21 version)

I. MASTER PLAN SECTIONS INVOLVED:

- **Improve town fiscal health and businesses through strategic development**
- **Increase economic vitality/environmental sustainability**
- **increase density when strict design and planning guidelines are met**
- **Honor and maintain historical/cultural qualities of neighborhoods**
- **Guide new housing growth it minimizes impact on open space & small-town rural character**
- **Involve and educate community in density increases**
- **Direct denser development of appropriate scale and design to Amherst center and village centers**
- **Emphasize preservation and adaptive reuse (downtown, village centers, specific districts and residential neighborhoods)**
- **New zoning/development/designs account for potential impacts of strong student housing pressures(Inc. absentee landlords)**

II. BACKGROUND (history, problem, goals)

- 1. What is the problem being solved?**
- 2. What is the goal of change? (Numerical?)**
- 3. What was the reason for the 24 units/building count requirement? What was the vision of PD, PB and Town Meeting? PB or PD report to Town Meeting, arguments made in town meeting in favor or against?**
- 4. Result, i.e., did it work?** Apparent result is small-scale garden apts and complexes with lawns, trees and parking. Grills and chairs, some playground equipment. Do apt complexes have greater economic, cultural and ethnic diversity than larger apts and mixed-use buildings?
- 5. Do tenants like the apt complexes? What would they like to see changed?**
- 6. Where does the PD want to see bigger apartments? Why? How many more units sought?**

III. OTHER OPTIONS/RESEARCH/COLLEGE TOWNS

- 1. Did PD consider doing village center and downtown planning process to sort out what we want to see there, then taking steps and adjusting zoning to achieve it?**
- 2. Did PD look at other options, such as increasing the units per building to 30, 40, 50— instead of lifting the unit cap completely?**

3. Did PD look at zoning by district or limiting unit max in different districts?
4. Or not allowing apts over 24 units (or moderate cap increase) in BG or BL to encourage mixed use buildings in these districts?
5. Research into other towns and college towns done by PD? What worked/didn't work well?
6. Did PD look at adding requirements for additional side/rear yards per floor and increasing front setbacks?
7. Are there other, less impactful, ways to get more people housed? (i.e. house shares, rooming houses, renting rooms from seniors and families, supplemental dwelling units, converted dwellings, and the like?)

IV. RESULTS/POTENTIAL IMPACTS Each zoning district will be affected differently

1. **DID the PD do an impacts analysis before developing the zoning amendment? Is it still in process of data collection and analysis? Has PD developed a list of pros and cons?**
 - Applied relevant Master Plan goals and directives?
 - Look at impacts and full buildout in all affected districts?
 - What could full buildout look like in different districts—in 3d? How much more than current buildout?
 - Density per acre/building size? (without assuming a 25-foot front setback that is not required-developers usually maximize lot use, not reduce it)
 - When lots are combined lots?
2. **Cumulative impact of proposed zoning changes and liberal footnote a waivers**
 - Has PD analyzed impacts of all proposed zoning changes here, i.e. how they will work together to increase density and building size?
 - What if footnote a dimensional waivers are given (as they almost always are) for: basic min lot, additional lot area, frontage, basic min/max front setback, basic min side and rear yards, min rear yards, max building coverage, max lot coverage, max floors, min/max height?
 - What if additional lot area per unit requirements are waived like happened recently at 187 College Street. If this requirement can be waived, how many units can apt buildings have?
 - What other dimensional requirements can be waived in what districts? What is the potential cumulative impact on unit count, building size, etc.?
 - What if the building is non-conforming?
 - If parking requirement was reduced from 2 spaces/unit?

3. **Can apts be built by Special Permit in RN, FPC, LI, PRP, COM?** If yes, these zoning districts have no requirement for additional lot area per unit
 - How many units and how big? What does build out look like in each zoning district?
 - If the building is non-conforming like at Aspen Heights—can unit counts/building size get much higher?
4. **What could buildings look like?** Will the result be big boxy buildings without design guidelines? (DRB is regularly ignored.)
5. **Incentives?** Change appears to create strong Incentives to:
 - combine lots, such as 432 and 446 Main Street, or small lots downtown, along Meadow Street. What impacts if lots are consolidated?
 - tear down older attractive buildings
 - Use non-conforming to get around dimensional requirements
 - Tear down historic buildings and streetscapes
 - build denser, larger buildings at current apt complexes
 - build apts instead of mixed use buildings
6. **If apts are built instead of mixed-use buildings, will there be:**
 - Loss of spaces for small businesses in village centers and downtown?
 - Higher rents for businesses
 - More/Less income to businesses and town
 - BL and potential BL overlay district building apartments without ground floor business?
7. **Appropriateness by district. Did PD consider characteristics, goals & options for each?**
 - Where are apt buildings of 24+ units to over 100+ unit appropriate or inappropriate?
 - Should apts not be allowed in BG or have a unit cap to keep incentives in favor of mixed use buildings and keep 1st floor commercial and retail?
 - Should apts be excluded from some districts and specific unit caps in different districts? (Especially in the RG, BVC, BL-all moderate densities. BN-not a housing district.
 - RVC has lots of older, historic buildings—limit size of apts and require adaptive re-use?
 - Close down the option to build apts in Light Industrial District, Professional Research Park, COM, Flood Prone Conservancy, Office Park to keep space for those uses?
8. **Effects on historic building and streetscapes, small town character**
 - Incentive to tear down older historic buildings, consolidate small lots?
 - Worse impacts outside Local Historic Districts?
 - Steps to protect town's historic properties *before* density increases from zoning changes that encourage tear downs?
 - Does this fit with Master Plan call for adaptive re-use, different development approaches to keep an areas character and historic qualities, protection on historic buildings and streetscapes?

9. Why are townhouses being treated differently from apts?

10. Who will the tenants in big apts be?

- Likely students?
- Impacts on village center, downtown, neighborhoods if new apt buildings mostly house students?
- Higher rents? Lower? Impacts on housing for moderate, low income and families and individuals? Evidence? (Recent high rent student housing projects drove up all rents.)
- Will big boxy buildings likely be rented to students and smaller garden apts to families or older residents?

11. Impacts on tenants in big buildings on quality of life—

- Quality of life, sense of community or home for tenants?
- Are larger apt buildings more/less neighborly than smaller apts?
- did PD talk to tenants in diff types of apts/mixed use buildings now?
- How will apts with so many more units be “integrated into the context of existing neighborhoods” Master Plan H.1.D

12. Other questions

- Increase/decrease **traffic/spawl** in different districts?
- **Timing** What is the need or reasons to adopt this zoning amendment now, before the consultant and PD PB develop design guidelines/form-based code for village centers and the downtown? Is it more sensible and prudent to wait?
- **Financial impacts?** Revenue vs. increased costs to town? Any fiscal impact analysis?

V. HOW ARE MASTER PLAN DIRECTIVES BEING MET?

Is the Master Plan directive to increase in size and density of apt buildings *after or concurrent with adopting of strict design guidelines* being followed? The other directives at the top of document?

VI. HOW have residents been notified and informed of this zoning amendment proposal? Their responses and ideas? With the Public Hearing closed, how can they get information and give feedback now? Steps being taken by PD?



MEMORANDUM

TO: Community Resources Committee (CRC)
FROM: Planning Department
RE: Proposed Zoning Bylaw Amendments – Article 7 Parking
DATE: June 8, 2021

Bold/Italic text indicates proposed language.

~~Bold/Strikethrough~~ indicates proposed removal.

ARTICLE 7 PARKING & ACCESS REGULATIONS

SECTION 7.0 GENERAL REQUIREMENTS

7.00 In all districts except Educational Districts *and Municipal Parking (MP) Districts*, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in dwelling units or dimensions of buildings, structures or use. The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking spaces shall be provided in at least the following minimum amounts.

7.000 *For residential uses with one or more dwelling units: ~~For dwellings, including apartments:~~*

7.0000 Two (2) parking spaces for each dwelling unit *shall be provided for the following principal residential uses, as regulated in accordance with Article 3:*

- *one family detached dwelling;*
- *two family detached dwelling (duplex);*
- *town house;*
- *subdividable/converted dwellings;*

7.0001 *Adequate parking for each dwelling unit shall be provided for the following principal residential uses and accessory residential uses, as regulated in accordance with Article 3 and Article 5:*

- *apartments*
- *mixed-use building*
- *supplemental dwelling units*

The amount of parking spaces provided for each dwelling unit shall be based on factors, including but not limited to:

- ***bedroom count;***
- ***analysis of traffic impact reports;***
- ***proximity to downtown;***
- ***proximity to public transit;***
- ***proximity to public parking, including on-street and off-street parking;***
- ***availability of alternative modes of transportation;***
- ***tenant lease restrictions relative to parking; and***
- ***shared or leased parking, as regulated in accordance with Section 7.2.***

In addition, the amount of parking spaces provided for each dwelling unit shall meet the provisions required under Section 10.38 and 11.24, as applicable.

7.0002 Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).

7.0003 In any residential district, there shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.

PARKING



EXISTING ZONING LANGUAGE

For dwellings, including apartments:

Two (2) parking spaces for each dwelling unit.



PROPOSED ZONING AMENDMENT LANGUAGE

For residential uses with one or more dwelling units:

Two (2) parking spaces for each dwelling unit shall be provided for the following:

- one family detached dwelling;
- two family detached dwelling (duplex);
- town house;
- subdividable/converted dwellings;



PROPOSED ZONING AMENDMENT LANGUAGE

Adequate parking for each dwelling unit shall be provided for the following:

- Apartments
- Mixed-use building
- Supplemental dwelling units

The amount of parking spaces provided for each dwelling unit shall be based on specific factors such as: bedroom count; analysis of traffic impact reports; proximity and connectivity to downtown, public transit, and/or public parking, including on-street and off-street parking; availability of alternative modes of transportation; tenant lease restrictions relative to parking; and shared or leased parking.



To: Town Council

Fr: Paul Bockelman, Town Manager
Christine Brestrup, Planning Director

Dt: June 25, 2021

Re: Amendments to Zoning Bylaw Article 7: Parking and Access Regulations

Executive Summary

I request that the Town Council review and adopt amendments to Article 7: Parking and Access Regulations.

These amendments have been drafted by Town staff, led by Planning Director Christine Brestrup and Building Commissioner Robert Morra, who also produced the content of this memorandum.

The purpose of this zoning amendment is to amend the Zoning Bylaw to change parking requirements for Apartments, Mixed-use Buildings, and Supplemental Dwelling Units.

Background

During 2020 the Planning Board and the Community Resources Committee (CRC) of the Town Council worked together on a list of zoning priorities that they hoped to present to the Town Council. This work culminated in a list of zoning priorities. On January 4, 2021, the Town Council voted to direct the Town Manager to present zoning amendments to the Town Council.

At the same time, the Planning Department and Building Commissioner had developed a list of zoning priorities, some of which overlapped with those developed by the Planning Board and the CRC.

Since February 2021, Planning Department staff and the Building Commissioner have been working with the Community Resources Committee and the Planning Board to develop zoning amendments to address these zoning priorities, along with priorities of the Planning Department and the Building Commissioner.

Revising the Parking bylaw grew out of the Planning Department's work on Mixed-use Buildings, Apartments, and Supplemental Dwelling Units which were included in the Town Council priorities. It is now ready to be presented to Town Council.

History

Parking requirements have been part of the Amherst Zoning Bylaw for at least 60 years.

In 1958 the Zoning Bylaw stated:

“There shall be provided, in connection with every dwelling unit hereafter constructed, in any zoning district, at least one off-street parking space on the same lot as such dwelling.”

By 1966 the parking requirements had changed and stated:

“For dwellings including apartments – one parking space for each family unit, except where the family consists of a group of unrelated persons as described in Section XIII, Paragraph 1c * in which case one parking space must be provided for each motor vehicle operated by a member of the group.”

* “A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit.”

By 1980 the Zoning Bylaw required:

For dwellings including apartments – one and one half parking spaces for each family unit, except where the family consists of a group of unrelated persons as described in Section 12.033 [should read 12.043 *] in which case one parking space must be provided for each motor vehicle operated by a member of the group.”

* “A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit.”

The current requirement in the zoning bylaw requires that two (2) parking spaces be provided for each dwelling unit, regardless of the use category.

Section 7.9 of the Zoning Bylaw allows the Permit Granting Authority to waive or modify the parking requirements “for reasons of safety, aesthetics or site design”.

There is also a Section 7.90 that specifies conditions that need to be met in order for the Permit Granting Authority to be able to modify parking requirements.

The waivers section currently reads as follows. Note, no changes are proposed to this section.

SECTION 7.9 WAIVERS

7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for compelling reasons of safety, aesthetics, or site design.

7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Board or Special Permit Granting Authority:

7.910 Peak parking needs generated by on-site uses occur at different times.

- 7.911 A significant number of employees, tenants, patrons or other parking users of the site are common to and shared by more than one use on the site.
- 7.912 A parking management plan approved by the Permit Granting Board or Special Permit Granting Authority is implemented with occupancy of the building or buildings. Said plan shall include the implementation of such measures as car and van pooling, bicycling and public transit use sufficient to reduce the need for parking. Periodic documentation of reductions in vehicle trips and parking utilization as a result of the parking management plan may be required as a condition of any permit granted under this section.

Rationale

Recently there have been long discussions at Planning Board meetings regarding parking requirements for various types of developments, but particularly for Mixed-use Buildings located outside of the B-G (General Business) zoning district. Planning Board and Zoning Board of Appeals members would benefit from having more guidance as to when they can modify parking requirements.

This zoning amendment is intended to give the Planning Board and Zoning Board of Appeals the guidance.

Process

The proposed zoning amendment would require that "Adequate parking for each dwelling unit shall be provided for apartments, mixed-use buildings, and supplemental dwelling units."

Guidance provided to the Boards includes giving the Boards factors to consider when determining whether parking requirements should be modified. These factors include:

- Bedroom count.
- Analysis of traffic impact reports.
- Proximity and connectivity to downtown, public transit, and/or public parking, including on-street and off-street parking.
- Availability of alternative modes of transportation.
- Tenant lease restrictions relative to parking.
- Shared or lease parking in accordance with Section 7.2 of the Zoning Bylaw.

Proposal

The Town Manager, led by the Planning Department, is requesting that the Town Council review and adopt the attached amendments to Article 7 of the Zoning Bylaw.

We anticipate the Town Council will refer the proposed amendments to the Planning Board and Community Resources Committee for a public hearing. Town staff stand ready to assist the Planning Board and CRC in their deliberations.

See the following pages for existing language proposed to be repealed and new language proposed to be inserted into the Zoning Bylaw.

PROPOSED ZONING BYLAW AMENDMENTS
SECTION 7: PARKING AND ACCESS REGULATIONS

Bold/Italic text indicates proposed new language.

Bold/Strikethrough indicates proposed deleted removal.

ARTICLE 7 PARKING AND ACCESS REGULATIONS

SECTION 7.0 GENERAL REQUIREMENTS

7.00 In all districts except Educational Districts *and Municipal Parking (MP) Districts*, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in dwelling units or dimensions of buildings, structures or use. The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking spaces shall be provided in at least the following minimum amounts.

7.000 *For residential uses with one or more dwelling units: ~~For dwellings, including apartments:~~*

7.0000 Two (2) parking spaces for each dwelling unit *shall be provided for the following principal residential uses and accessory residential uses, as regulated in accordance with Article 3 and Article 5:*

- *one family detached dwelling;*
- *two family detached dwelling (duplex);*
- *town house;*
- *subdividable/converted dwellings;*

7.0001 *Adequate parking for each dwelling unit shall be provided for the following principal residential uses and accessory residential uses, as regulated in accordance with Article 3 and Article 5:*

- *apartments*
- *mixed-use building*
- *supplemental dwelling units*

The amount of parking spaces provided for each dwelling unit shall be based on factors, including but not limited to: bedroom count; analysis of traffic impact reports; proximity and connectivity to downtown, public transit, and/or public parking, including on-street and off-street parking; availability of alternative modes of transportation; tenant lease

restrictions relative to parking; and shared or leased parking, as regulated in accordance with Section 7.2.

In addition, the amount of parking spaces provided for each dwelling unit shall meet the provisions required under Section 10.38 and 11.24, as applicable.

7.0002 Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).

7.0003 In any residential district, there shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.

I. BACKGROUND (history, problem goals)

A. History When was the 2 spaces/unit adopted by Town Meeting and why?

- Is there a Planning Board Report, reports from the Planning Department or research or studies used for baseline standard of 2 parking spaces/unit?
- Has it 2 spaces/unit worked? Met parking needs of tenants?

B. Problem and Goals?

1. **Is problem PB/ZBA spending too much time at permit hearings discussing waivers 2 parking spaces/unit?** How will project-by-project decisions on “adequate parking” and collecting information each time lead to less, not more, time spent at permit hearings?
2. **What is the problem with how Article 7 works now?** ZBA and PB can reduce amount of parking with Section 7.9, grant leased parking or shared parking -- or require more parking under Section 10.384 (“adequate and appropriate facilities would be provided for the proper utilization of the proposed use.”)
3. **Is the problem that there too many spaces per unit?** Where? Data?
4. **Is the goal to make sure tenants have the parking spaces they need?** If yes, how does this amendment ensure this? Is current 2 spaces/unit too little/too much?
5. **Is the goal to reduce costs to developers so they can reduce rents?** Evidence this will happen? Highest rents in Amherst in buildings without provide parking (downtown) and with (Amherst Heights).
6. **Is the goal to reduce car use by tenants in some types of buildings?** Is this fair?

II. RESEARCH/COLLEGE TOWNS/OPTIONS

A. Research

1. **What research did PD rely on before proposing this amendment?** Local data shows Municipal Parking district tenants have cars, bus use reductions of 4-5%/each year, few year-round bikers or commuters, PVTA bus routes curtailed in summer and December, increased car traffic, 2,000 more registered cars than a decade ago. Can PD provide more info on resident and student PVTA ridership, car use, UMass parking permits, etc.?
2. **What are all the factors PD researched and considered to determine parking needs and standard?** Transit and bike ridership data, building type, proximity to shopping or a metropolitan mass transit stop, tenant status (i.e., students, parents), income, age, job location, family status, age of children, location of food stores & medical offices, bus routes, seasonal mass transit schedules, year-round bicycle use ? Can PD provide this info?
3. **Which factors changed tenant parking needs?**
4. **Has PD conducted parking studies of Amherst’s 25+ apt complexes, mixed use buildings, and supplemental dwelling units and other multi-family housing, as recommended by Transportation Plan?**
5. **What led PD to conclude tenants of townhouses, duplexes and converted dwellings require 2 parking spaces/unit—do they have different parking needs?**
6. **Other towns set parking requirements by bedroom count, square footage, zoning district—what info on other towns did PD collect before choosing “adequate parking” standard?**

7. Has PD asked tenants about their parking needs?
8. What info was Transportation Advisory Committee asked for and what did they provide?

B. Alternatives

1. Do other towns use “adequate parking” for mixed use, apts and supplemental dwelling units project by project? If yes, how has this worked out?
2. Why didn’t PD pick standards usually used, such as unit size, zoning district, bedroom count, square footage, age or income of tenants.?
3. What alternatives were considered by PD?
4. Did PD look at making changes to 7.9 parking waiver criteria, by adding evidence-based factors to 7.9 to show reduced parking need?

III. POTENTIAL RESULTS/IMPACTS

1. Since the term “adequate parking” is pretty vague—will it lead to inconsistent decisions by different boards? Correct or incorrect decisions?
2. Will PB/ZBA spend more time on permit applications, collecting data and deciding “adequate parking”?
3. How will developers or landlords show how many parking spaces are needed/not needed? Will developers be told what information to collect (i.e. how to conduct a parking study)? How to confirm or rebut this info? Will PD verify?
4. How will amendment work with **Section 7.9 Waivers**? Can the “adequate parking” requirement be waived for mixed use buildings, apartments and ADUs?
5. Can PD show potential impacts on the size of apt and mixed-use buildings in different zoning districts if parking is reduced? For ex., what could be built in RG with “adequate” vs. 2 spaces/unit?
6. Can PD show impacts if other zoning changes also are adopted? Reduced lot and building coverage and no cap on apartment units (in R-G, North Amherst historic district), etc.? What could buildout look like?
7. Will incentives tilt away from smaller scale infill development of converted/subdivided dwellings, duplexes and townhouses that have to provide 2 spaces/unit?
8. Can and will landlords not provide parking to most or all tenants by **lease restriction**?
9. Won’t property owners/landlords simply use lease restrictions to reduce parking spaces since it’s cheaper and more profitable for them?
10. What if a tenant later needs a car? Will tenant have to break lease and owe rent?
11. What if a project doesn’t have enough parking and no nearby parking?
12. Will reduced parking ensure more greenspace at a project?
13. What does the PD staff see as Pros and cons of this zoning amendment change?
14. CRC Community Impact Review? Their research and pros and cons?

IV. RESIDENT NOTIFICATION & INVOLVEMENT?

How were Amherst residents, including students and tenants, notified? Their feedback and ideas? TAC asked for advice?

8/26/21

PROPOSED ZONING BYLAW AMENDMENTS

SECTION 3.325, MIXED-USE BUILDINGS

ARTICLE 12: DEFINITIONS

Bold/Italic text indicates proposed new language.

~~Bold/Strikethrough~~ indicates proposed deleted removal.

ARTICLE 3 USE REGULATION

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

SECTION 3.325 MIXED-USE BUILDING

N = No, the Use is not permitted in that Zoning District
SPR = The Use is permitted with Site Plan Review (See Section 11.2)
SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (see Section 10.3)

Zoning Districts												
R-O	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP
FPC												
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N

Standards & Conditions:

~~A Mixed-use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).~~

~~A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).~~

~~In the Commercial (COM) District no dwelling unit nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross~~

Floor Area shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.

No more than 60% of the Gross Floor Area of the first or ground floor shall be a combination of residential use or parking including incidental and associated spaces, *unless otherwise permitted below.*

A minimum of 40% of the Gross Floor Area of the first or ground floor shall be any permitted non-residential use, other than parking, including incidental and associated spaces. *Except that the PGA may allow the required non-residential use(s) to be distributed on any floor, or in any building of a multiple building development on the same parcel, provided that the first or ground floor of any building facing the public way or walkways and areas customarily used by pedestrians and the public shall have such non-residential use(s).*

Any dwelling units and enclosed parking on the first or ground floor shall be located at the rear of the building and designed to reduce visibility from the public way or walkways and areas customarily used by pedestrians and the public.

For sloping lots or lots with frontage on more than one right of way, the permit granting authority shall determine which floor(s) of the building is subject to the split of uses and criteria as mentioned above.

Bedroom Count: No more than 50% of the total number of dwelling units shall have the same bedroom count, with the exception of a Mixed-use building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for projects in which all dwelling units provided are Affordable (see Article 12, Affordable Housing).

Commented [HMJ1]: This is an amendment that CRC voted to recommend the Town Council adopt, in addition to the entire proposed revision.

The Planning Board voted to recommend the Council adopt the proposed revision, without this amendment (they did not have it in front of them at the time).

Please have the attorney review the complete language recommended by CRC.

ARTICLE 12 DEFINITIONS

Add the following language and renumber subsequent sections of Article 12:

12.34 Mixed-use building: Mixed-use building is a building containing one (1) or more dwelling unit(s) in combination with permitted non-residential uses in accordance in Article 3.



AMHERST, Massachusetts

TOWN HALL • 4 BOLTWOOD AVENUE • AMHERST, MA 01002-2302

Planning Board
FORM A - ANR APPLICATION

For Office Use Only:

Application #: ANR 2022-02 Received by Planning Dept: 8/19/2021
Reference #: 59901 Filed with Town Clerk: 8/20/2021
Fee Paid: \$ 100.00

Susan Audette
Town Clerk

APPLICANT INFORMATION:

Applicant: Ronald J. Lavender
Address: 433 West St
Amherst, MA 01002
Telephone: 413-297-6042
Fax: _____
Email: _____

PROPERTY INFORMATION:

Property Address/Description:

PROPERTY OWNER:

(if different from applicant)

Address: _____

Telephone: _____
Email: _____

DEED OF PROPERTY RECORDED IN:

☒ Hampshire Cty. Reg. of Deeds ☐ Mass. Land Court
Book: 5203 Page: 250
Map/Parcel: 21B/73, 81, 96
Zoning District: PRP

ATTORNEY/DESIGNER/CONSULTANT:

Harold L. Eaton & Associates, Inc.
Address: 235 Russell Street
Hadley, MA 01035
Telephone: 413-584-7599
Fax: 413-585-5976
Email: rizer@eatonsurvey.com

PROPOSAL:

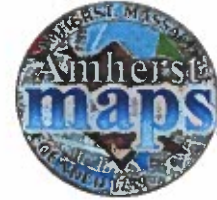
Number of Existing Parcels/Lots: 2
Number of Proposed Parcels/Lots: 1
Frontage (in feet) of proposed parcels/lots: NA

File this completed form with the original, reproducible Mylar plan and three (3) paper prints of the plan, and the application fee of \$100/two lots +\$25 per each additional lot with the Planning Department in Town Hall.

Signature of applicant(s) (if other than owner)

Ronald J. Lavender
Signature of property owner(s)

ANR 2022-02



- Property Map
- Property Line
 - Hydrographic Property Line
 - Right of Way Line
 - Town Boundary
- Lot Lines
- Former Property Line
 - Subdivision Lot Line
 - Easements
- Adjacent Towns Parcels
- Basemap 2009
- Trails

Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD83, FT
Planimetric & topographic basemap compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

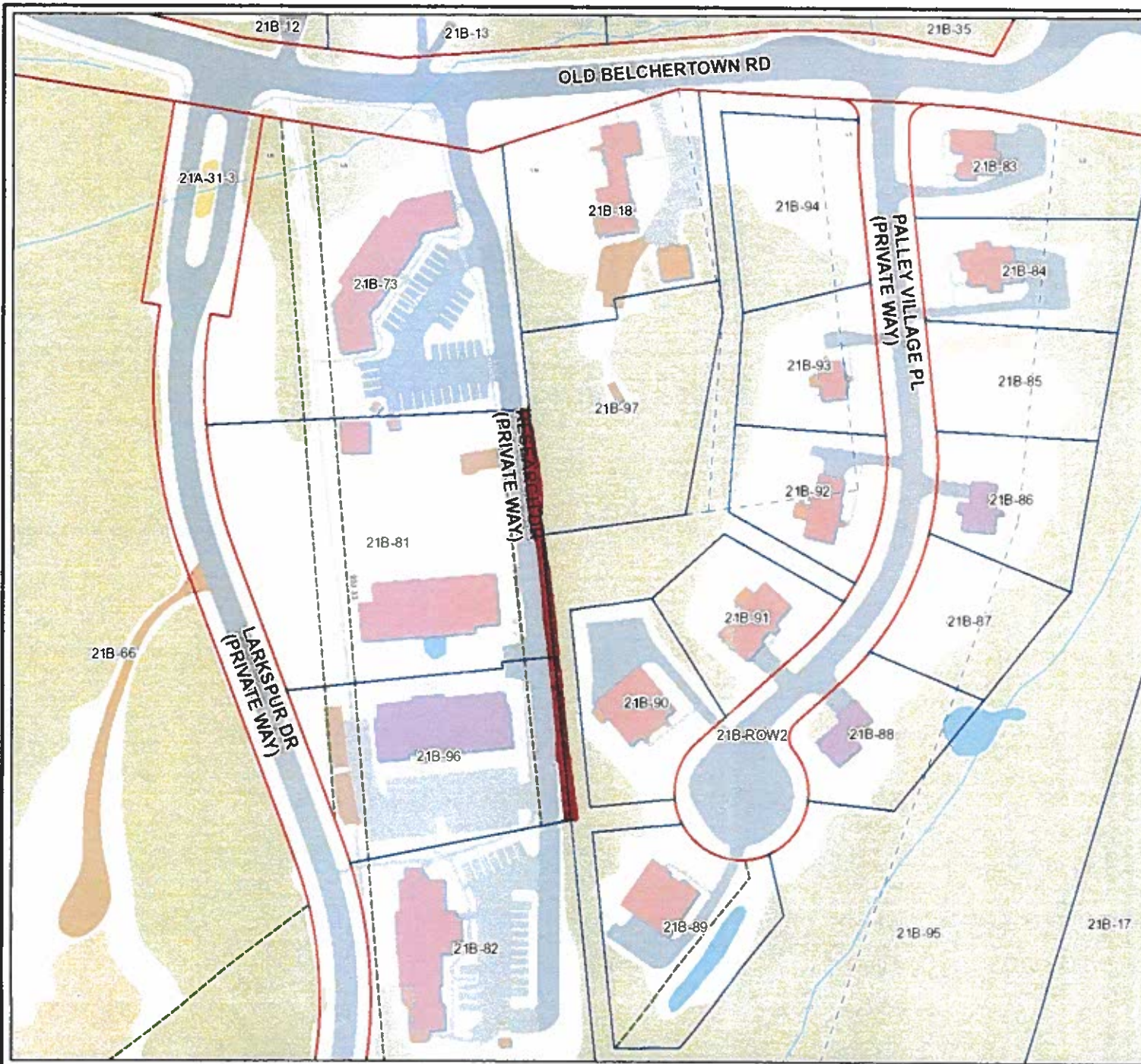
The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes. Utility structures & underground utility locations are approximate & require field verification.

The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.

1" = 188 ft

amherstma.gov/maps

August 20, 2021



ANR 2022-02 Map 21B Parcels 73, 81, 96

"SUBDIVISION APPROVAL NOT REQUIRED"

PLAN OF LAND IN
AMHERST, MASSACHUSETTS
PREPARED FOR
DRAGONFLY HEALTH, LLC

SCALE: 1"=30'
JULY 7, 2021
HAROLD L. EATON AND ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
235 RUSSELL STREET - HADLEY - MASSACHUSETTS
413-584-7599 413-585-5876 (fax)
hleo@eatonassoc.com



MURDOCH OF PLAN BOOK 203 PAGE 26

LARKSPUR DRIVE

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED
PLANNING BOARD
AMHERST, MASSACHUSETTS

DATE: _____

"PLANNING BOARD ENDORSEMENT UNDER THE
SUBDIVISION CONTROL LAW SHOULD NOT BE
CONSTRUED AS EITHER AN ENDORSEMENT OR
AN APPROVAL OF ZONING REQUIREMENTS"

CONRAD J. LAVERGNE
BOOK 12931, PAGE 220 (PARTIAL)
SEE PLAN BOOK 192 PAGE 33

TRUSTEES OF THE SAND DOLLAR REALTY TRUST
BOOK 6750, PAGE 181
PLAN BOOK 192, PAGE 33 - LOT 2
ASSESSORS MAP 21B - PARCEL B2
ZONING DISTRICT - PPP

DRAGONFLY HEALTH, LLC
BOOK 10085, PAGE 213
PLAN BOOK 226, PAGE 108 - PARCEL A2
ASSESSORS MAP 21B - PARCEL D6
ZONING DISTRICT - PPP

CAREX, LLC
BOOK 9383, PAGE 79
PLAN BOOK 226, PAGE 108 - PARCEL A1
ASSESSORS MAP 21B - PARCEL B1
ZONING DISTRICT - PPP

AMHERST OFFICE PARK, LLC
BOOK 12582, PAGE 272
SEE: PLAN BOOK 187, PAGE 249 - LOT 1
ASSESSORS MAP 21B - PARCEL 73
ZONING DISTRICT - PPP

RESEARCH DRIVE - EASEMENT

THE PALLEY VILLAGE HOMEOWNERS ASSOCIATION, INC.
BOOK 9003, PAGE 203
PLAN BOOK 221, PAGE 23
ASSESSORS MAP 21B - PARCEL V5
ZONING DISTRICT - RD

PARCEL A
405± SQ. FT.
TO BE CONVEYED TO
DRAGONFLY HEALTH, LLC
1' WIDE RESERVATION
PLAN BOOK 192, PAGE 33 & PLAN BOOK 226, PAGE 108

LOT 2
36,327± SQ. FT.
0.8340± ACRES
PORTION OF
BOOK 12931, PAGE 152
TO BE CONVEYED TO
DRAGONFLY HEALTH, LLC

LOT 1
39,485± SQ. FT.
0.9065± ACRES
PORTION OF
BOOK 12931, PAGE 152

ADH-2 PROPERTIES, LLC
BOOK 12931, PAGE 152
SEE: PLAN BOOK 221, PAGE 23
ASSESSORS MAP 21B - PARCEL 18
ZONING DISTRICT - PPP

NORMAN R. AND STACY B. SIMONSON
BOOK 6805, PAGE 299
SEE: PLAN BOOK 203, PAGE 28
LOT #10
ASSESSORS MAP 21B - PARCEL 92
ZONING DISTRICT - RD

PHILIP G. HU AND YANPING ZHOU &
YUNTAN HU AND WAOQUANG HU
BOOK 12612, PAGE 43
SEE: PLAN BOOK 203, PAGE 28
LOT #11
ASSESSORS MAP 21B - PARCEL 93
ZONING DISTRICT - RD

KATHY M. MYER AND RONALD T. LUGASSEN
BOOK 12778, PAGE 182
SEE: PLAN BOOK 203, PAGE 28 - LOT #17
ASSESSORS MAP 21B - PARCEL 94
ZONING DISTRICT - RD

LEGEND

- FOUND IRON PIN
- IRON PIN TO BE SET
- FOUND CONCRETE BOUND
- FOUND STONE BOUND
- △ UNMARKED POINT

REPORT THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY
WITH THE 1976 RULES AND REGULATIONS OF THE REGISTER
OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

RANDALL E. EATON #25932

OLD BELCHERTON ROAD